

113TH CONGRESS  
1ST SESSION

# S. 332

To address climate disruptions, reduce carbon pollution, enhance the use of clean energy, and promote resilience in the infrastructure of the United States, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 14, 2013

Mr. SANDERS (for himself and Mrs. BOXER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To address climate disruptions, reduce carbon pollution, enhance the use of clean energy, and promote resilience in the infrastructure of the United States, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Climate Protection Act of 2013”.

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

Sec. 1. Short title; table of contents.

## TITLE I—CARBON POLLUTION FEE

- Sec. 101. Carbon pollution fee.  
 Sec. 102. Residential environmental rebate program.  
 Sec. 103. Pollution Reduction Trust Fund.

## TITLE II—SUSTAINABLE TECHNOLOGIES FINANCE PROGRAM

- Sec. 201. Sustainable Technologies Finance Program.  
 Sec. 202. Budgetary effects.

## TITLE III—ENVIRONMENTAL PROTECTION

- Sec. 301. Regulation of hydraulic fracturing.  
 Sec. 302. Reports to Congress.  
 Sec. 303. Sense of Congress relating to reduction in greenhouse gas emissions.

1     **TITLE I—CARBON POLLUTION**  
 2                                     **FEE**

3     **SEC. 101. CARBON POLLUTION FEE.**

4             (a) IN GENERAL.—Title I of the Clean Air Act (42  
 5 U.S.C. 7401 et seq.) is amended by adding at the end  
 6 the following:

7                     **“PART E—CARBON POLLUTION FEE**

8     **“SEC. 195. DEFINITIONS.**

9             “In this part:

10                    “(1) CARBON POLLUTING SUBSTANCE.—The  
 11             term ‘carbon polluting substance’ means coal (in-  
 12             cluding lignite and peat), petroleum and any petro-  
 13             leum product, or natural gas that—

14                             “(A) when combusted or otherwise used,  
 15             will release greenhouse gas emissions; and

16                             “(B) is—

17                                     “(i) extracted, manufactured, or pro-  
 18             duced in the United States; or

1                   “(ii) imported into the United States  
2                   for consumption, use, or warehousing.

3                   “(2) CARBON POLLUTION-INTENSIVE GOOD.—  
4                   The term ‘carbon pollution-intensive good’ means a  
5                   good that is (as identified by the Administrator, by  
6                   rule)—

7                   “(A) iron, steel, a steel mill product (in-  
8                   cluding pipe and tube), aluminum, cement,  
9                   glass (including flat, container, and specialty  
10                  glass and fiberglass), pulp, paper, a chemical,  
11                  or an industrial ceramic;

12                  “(B) any other manufactured product that  
13                  the Administrator determines—

14                  “(i) is transferred for purposes of fur-  
15                  ther manufacture; and

16                  “(ii) generates, in the course of the  
17                  manufacture of the product, direct and in-  
18                  direct greenhouse gas emissions that are  
19                  comparable (on an emissions-per-dollar of  
20                  output basis) to emissions generated in the  
21                  manufacture or production of a product  
22                  identified in subparagraph (A); or

23                  “(C) a manufactured item—

1           “(i) in which 1 or more products iden-  
2           tified in subparagraph (A) or (B) are in-  
3           puts; and

4           “(ii) the cost of production of which  
5           in the United States is significantly in-  
6           creased by the imposition of a fee under  
7           this part.

8           “(3) FIRST CALENDAR YEAR.—The term ‘first  
9           calendar year’ means the earlier of—

10           “(A) calendar year 2014; or

11           “(B) the first calendar year beginning at  
12           least 180 days after the date of enactment of  
13           this part.

14           “(4) SUBSTANTIALLY EQUIVALENT MEASURE.—  
15           The term ‘substantially equivalent measure’ means a  
16           fee or other regulatory requirement that imposes a  
17           cost on manufacturers of carbon pollution-intensive  
18           goods located outside the United States approxi-  
19           mately equal to the cost imposed by the fee under  
20           this part on manufacturers of comparable carbon  
21           pollution-intensive goods located in the United  
22           States.

23           “(5) 12TH CALENDAR YEAR.—The term ‘12th  
24           calendar year’ means the calendar year beginning 12  
25           years after the first calendar year.

1 **“SEC. 196. IMPOSITION OF FEE.**

2       “(a) IN GENERAL.—The Administrator shall impose  
3 on any manufacturer, producer, or importer of a carbon  
4 polluting substance a fee in accordance with this section.

5       “(b) AMOUNT.—

6           “(1) IN GENERAL.—The amount of the carbon  
7 pollution fee imposed under subsection (a) on any  
8 carbon polluting substance shall be assessed per ton  
9 of carbon dioxide content (including carbon dioxide  
10 equivalent content of methane) of the carbon pol-  
11 luting substance, as determined by the Adminis-  
12 trator, in consultation with the Secretary of Energy.

13           “(2) FRACTIONAL PART OF TON.—In the case  
14 of a fraction of a ton of a carbon polluting sub-  
15 stance, the fee imposed under subsection (a) shall be  
16 the same fraction of the amount of the fee imposed  
17 on a whole ton of the carbon polluting substance.

18           “(3) APPLICABLE AMOUNT.—For purposes of  
19 paragraph (1), the amount of the fee shall be—

20                   “(A) for the first calendar year, \$20;

21                   “(B) for each calendar year occurring after  
22 the first calendar year and before the 12th cal-  
23 endar year, an amount equal to the sum of—

24                           “(i) the amount in effect under this  
25 paragraph for the preceding calendar year;  
26 and

1                   “(ii) the product (rounded to the  
2                   nearest dollar) obtained by multiplying—

3                   “(I) the amount described in  
4                   clause (i); and

5                   “(II) 5.6 percent; and

6                   “(C) for the 12th calendar year and any  
7                   calendar year thereafter, the amount in effect  
8                   under this paragraph for the preceding calendar  
9                   year.

10           “(c) SINGLE IMPOSITION OF FEE.—No fee shall be  
11 imposed under subsection (a) with respect to a carbon pol-  
12 luting substance if the person that would be liable for the  
13 fee establishes that a prior fee imposed under that sub-  
14 section has been imposed with respect to that carbon pol-  
15 luting substance.

16           “(d) LIMITATIONS.—No fee shall be imposed against  
17 a person under subsection (a) for a calendar year if during  
18 that calendar year, in accordance with such regulations  
19 as the Administrator may prescribe—

20                   “(1) the person uses a carbon polluting sub-  
21                   stance as a feedstock so that the carbon associated  
22                   with that carbon polluting substance will not be  
23                   emitted;

24                   “(2) a fee under subsection (a) was paid with  
25                   respect to another carbon polluting substance that is

1 used by the person in the manufacture or production  
2 of the applicable carbon polluting substance; or

3 “(3) the carbon polluting substance is exported.

4 **“SEC. 197. CARBON EQUIVALENCY FEE.**

5 “(a) IMPORTS.—

6 “(1) IN GENERAL.—The Administrator shall  
7 impose a carbon equivalency fee on imports of car-  
8 bon pollution-intensive goods that shall be equivalent  
9 to the cost that domestic producers of comparable  
10 carbon pollution-intensive goods incur as a result  
11 of—

12 “(A) fees paid by manufacturers, pro-  
13 ducers, and importers of carbon polluting sub-  
14 stances under this part; and

15 “(B) carbon equivalency fees paid by im-  
16 porters of carbon pollution-intensive goods used  
17 in the production of the relevant comparable  
18 carbon pollution-intensive goods.

19 “(2) DETERMINATION OF FEE AMOUNT.—

20 “(A) IN GENERAL.—The amount of the  
21 carbon equivalency fee under paragraph (1)  
22 shall be—

23 “(i) determined annually; and

24 “(ii) differentiated by classes of prod-  
25 ucts and country of origin, taking into ac-

1 count the quantity of greenhouse gas emis-  
2 sions released during the process of manu-  
3 facturing the carbon pollution-intensive  
4 goods and transporting the carbon pollu-  
5 tion-intensive goods from the country of  
6 origin.

7 “(B) PETITIONS FOR ADJUSTMENT.—The  
8 Administrator shall provide for a process for  
9 petitioning for adjustment to any fees deter-  
10 mined under this subsection.

11 “(b) USE OF PROCEEDS.—

12 “(1) TRANSFER OF FUNDS.—For each applica-  
13 ble fiscal year, the Secretary of the Treasury shall  
14 transfer to the Administrator and the Secretary of  
15 Transportation an amount equal to 50 percent each  
16 of the amounts received during the preceding fiscal  
17 year as a result of the carbon equivalency fee im-  
18 posed under subsection (a), without further appro-  
19 priation.

20 “(2) USE OF FUNDS.—

21 “(A) ENVIRONMENT.—The Administrator,  
22 in consultation with the Secretary of Agri-  
23 culture, the Secretary of the Interior, and the  
24 Secretary of State, shall use the amounts trans-  
25 ferred under paragraph (1)—

1           “(i) as a primary purpose, to provide  
2 amounts to State and local programs that  
3 assist communities in—

4                   “(I) adapting to climate change;

5                   “(II) improving the resiliency of  
6 critical infrastructure; and

7                   “(III) protecting environmental  
8 quality and wildlife; and

9           “(ii) as a secondary purpose, to meet  
10 international commitments made by the  
11 United States to assist with climate change  
12 adaptation.

13           “(B) TRANSPORTATION.—The Secretary of  
14 Transportation shall use the amounts trans-  
15 ferred under paragraph (1) to provide  
16 amounts—

17                   “(i) to State and local programs that  
18 assist communities in improving the resil-  
19 iency of critical infrastructure; and

20                   “(ii) for projects that provide pref-  
21 erential parking for carpools, including the  
22 addition of electric vehicle charging sta-  
23 tions, subject to the condition that the pri-  
24 mary purpose of the facilities is the reduc-

1                   tion of vehicular traffic on nearby Federal-  
2                   aid highways.

3           “(c) EXPIRATION.—This section shall cease to have  
4 effect at such time as, and to the extent that—

5                   “(1)(A) in the case of countries of export that  
6                   adopt and ratify an international agreement requir-  
7                   ing countries that emit greenhouse gases and  
8                   produce carbon pollution-intensive goods for inter-  
9                   national markets to adopt equivalent measures, the  
10                  international agreement comes into effect; or

11                  “(B) the country of export has implemented  
12                  substantially equivalent measures, as certified by the  
13                  President of the United States; and

14                  “(2) the actions provided under subsection (a)  
15                  are no longer appropriate, as determined by the Ad-  
16                  ministrator.

17 **“SEC. 198. REPORT TO CONGRESS.**

18           “Not later than 5 years after the date of enactment  
19 of this part, the Administrator shall submit to Congress  
20 a report that includes recommendations for—

21                   “(1) the administration of the carbon pollution  
22                   fee program under this part for calendar years be-  
23                   ginning after the 12th calendar year, including a  
24                   schedule for establishing the amount of the fee for  
25                   those subsequent calendar years; and

1           “(2) future investments to reduce greenhouse  
2           gas emissions and provide resources for climate  
3           change adaptation.”.

4           (b) TECHNICAL AMENDMENTS.—Title IV of the  
5 Clean Air Act (relating to noise pollution) (42 U.S.C.  
6 7641 et seq.) is—

7           (1) amended by redesignating sections 401  
8           through 403 as sections 701 through 703, respec-  
9           tively; and

10           (2) redesignated as title VII and moved to ap-  
11           pear at the end of that Act.

12 **SEC. 102. RESIDENTIAL ENVIRONMENTAL REBATE PRO-**  
13 **GRAM.**

14           (a) IN GENERAL.—There is authorized to be appro-  
15           priated to the Administrator of the Environmental Protec-  
16           tion Agency (referred to in this section as the “Adminis-  
17           trator”) an amount equal to  $\frac{3}{5}$  of the amounts received  
18           in the Treasury as the result of the fee imposed under  
19           section 196 of the Clean Air Act (as added by section  
20           101(a)) to provide a monthly residential environmental re-  
21           bate to legal residents of the United States.

22           (b) REGULATIONS.—As soon as practicable after the  
23           date of enactment of this Act, the Administrator shall pro-  
24           mulgate regulations establishing procedures for the dis-  
25           tribution of residential environmental rebates under sub-

1 section (a), including procedures that provide, to the max-  
2 imum extent practicable, for—

3 (1) the coordination of the monthly residential  
4 environmental rebate with other Federal and State  
5 payment mechanisms;

6 (2) the use of electronic transfers of the month-  
7 ly residential environmental rebates; and

8 (3) the establishment of an Office of Environ-  
9 mental Rebate Advocate within the Environmental  
10 Protection Agency to assist households with access-  
11 ing and using the residential environmental rebate  
12 program.

13 (c) ADMINISTRATIVE COSTS.—Of the amounts re-  
14 served for rebates under this section, not more than 1 per-  
15 cent shall be used to administer the program under this  
16 section.

17 **SEC. 103. POLLUTION REDUCTION TRUST FUND.**

18 (a) ESTABLISHMENT.—There is established in the  
19 Treasury of the United States a trust fund to be known  
20 as the “Pollution Reduction Trust Fund” (referred to in  
21 this section as the “Trust Fund”), consisting of such  
22 amounts as are transferred to the Trust Fund under sub-  
23 section (b) and to be used to facilitate the implementation  
24 of the carbon pollution reduction program.

1 (b) TRANSFERS TO TRUST FUND.—After setting  
2 aside amounts under section 102(a), there is appropriated  
3 to the Trust Fund an amount equivalent to the remaining  
4 revenues received in the Treasury as the result of the fee  
5 imposed under section 196 of the Clean Air Act (as added  
6 by section 101(a)).

7 (c) DISTRIBUTION OF AMOUNTS.—Amounts in the  
8 Trust Fund for a calendar year shall be available without  
9 further appropriation, as follows:

10 (1) \$7,500,000,000 shall be available to the Ad-  
11 ministrator of the Environmental Protection Agency,  
12 for each of the first 10 calendar years beginning  
13 after the date of enactment of this Act, to mitigate  
14 the economic impacts of the fee imposed under sec-  
15 tion 196 of the Clean Air Act (as added by section  
16 101(a)) on energy-intensive and trade-exposed in-  
17 dustries, to be distributed in accordance with regula-  
18 tions promulgated by the Administrator, subject to  
19 the requirement that the Administrator shall reserve  
20 not less than  $\frac{1}{4}$  of those amounts for energy effi-  
21 ciency investments in energy-intensive or trade-ex-  
22 posed industries.

23 (2) \$5,000,000,000 shall be available to the  
24 Secretary of Energy to carry out the Weatherization  
25 Assistance Program for Low-Income Persons estab-

1 lished under part A of title IV of the Energy Con-  
 2 servation and Production Act (42 U.S.C. 6861 et  
 3 seq.) for each of the first 10 calendar years begin-  
 4 ning after the date of enactment of this Act.

5 (3) \$1,000,000,000 shall be available to the  
 6 Secretary of Labor for each of the first 10 calendar  
 7 years beginning after the date of enactment of this  
 8 Act for job training, education, and transition assist-  
 9 ance for individuals employed by the fossil fuel in-  
 10 dustry seeking to transition to clean energy jobs.

11 (4) \$2,000,000,000 shall be available for the  
 12 Advanced Research Projects Agency-Energy for each  
 13 of the first 10 calendar years beginning after the  
 14 date of enactment of this Act.

15 (5) The balance shall be used for Federal budg-  
 16 et deficit reduction.

17 **TITLE II—SUSTAINABLE TECH-**  
 18 **NOLOGIES FINANCE PRO-**  
 19 **GRAM**

20 **SEC. 201. SUSTAINABLE TECHNOLOGIES FINANCE PRO-**  
 21 **GRAM.**

22 (a) ESTABLISHMENT.—The Administrator of the En-  
 23 vironmental Protection Agency (referred to in this section  
 24 as the “Administrator”) shall establish a program, and  
 25 promulgate any necessary regulations to carry out the pro-

1 gram, to be known as the “Sustainable Technologies Fi-  
2 nance Program”, under which the Administrator shall  
3 provide loans, credit instruments, loan guarantees, and  
4 other financial assistance, including in the form of assist-  
5 ance for public-private partnerships, for eligible projects  
6 carried out in the United States that reduce greenhouse  
7 gas emissions.

8 (b) ELIGIBLE PROJECTS.—A project shall be eligible  
9 to receive financial assistance under this section if the  
10 project reduces greenhouse gas emissions as determined  
11 by the Administrator, and uses—

12 (1) a technology for—

13 (A) energy efficiency;

14 (B) combined heat and power;

15 (C) solar energy, including—

16 (i) photovoltaic energy;

17 (ii) thermal energy;

18 (iii) wind energy; and

19 (iv) geothermal energy, including  
20 groundsource heat pumps;

21 (D) biomass or biofuels that are not  
22 sourced from food crops;

23 (E) ocean, tidal, or hydropower energy;

24 (F) electric vehicle infrastructure;

25 (G) advanced battery or energy storage; or

1 (H) rail, transit, or public transportation;

2 or

3 (2) any other transportation technology that of-  
4 fers a reduction in greenhouse gas emissions, as de-  
5 termined by the Administrator.

6 (c) APPLICATIONS.—To be eligible to receive financial  
7 assistance under this section, the owner or operator of an  
8 eligible project shall submit to the Administrator an appli-  
9 cation at such time, in such manner, and containing such  
10 information as the Administrator may require.

11 (d) PRIORITY.—In providing financial assistance  
12 under this section, the Administrator shall give priority  
13 to projects that provide the largest greenhouse gas emis-  
14 sions reductions per Federal dollar invested, as deter-  
15 mined by the Administrator.

16 (e) FUNDING.—

17 (1) IN GENERAL.—Notwithstanding any other  
18 provision of law, on October 1, 2013, and on each  
19 October 1 thereafter through October 1, 2022, out  
20 of any funds in the Treasury not otherwise appro-  
21 priated, the Secretary of the Treasury shall transfer  
22 to the Administrator for the cost of grants, loans,  
23 and loan guarantees to carry out this section,  
24 \$5,000,000,000, to remain available until expended.

1           (2) RECEIPT AND ACCEPTANCE.—The Adminis-  
2           trator shall be entitled to receive, shall accept, and  
3           shall use to carry out this section the funds trans-  
4           ferred under paragraph (1), without further appro-  
5           priation.

6           (3) ADMINISTRATIVE COSTS.—Of the amounts  
7           made available to carry out this section, the Admin-  
8           istrator may use not more than 2 percent for each  
9           fiscal year for the administration of this section.

10 **SEC. 202. BUDGETARY EFFECTS.**

11           The budgetary effects of this title, for the purpose  
12           of complying with the Statutory Pay-As-You-Go Act of  
13           2010, shall be determined by reference to the latest state-  
14           ment titled “Budgetary Effects of PAYGO Legislation”  
15           for this Act, submitted for printing in the Congressional  
16           Record by the Chairman of the Senate Budget Committee,  
17           provided that such statement has been submitted prior to  
18           the vote on passage.

19           **TITLE III—ENVIRONMENTAL**  
20           **PROTECTION**

21 **SEC. 301. REGULATION OF HYDRAULIC FRACTURING.**

22           (a) DISCLOSURE.—Section 1421(b) of the Safe  
23           Drinking Water Act (42 U.S.C. 300h(b)) is amended—  
24           (1) by striking paragraph (2);

1           (2) by redesignating paragraph (3) as para-  
2 graph (2); and

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

4           “(3) DISCLOSURES OF CHEMICAL CONSTITU-  
5 ENTS.—

6                   “(A) IN GENERAL.—A person conducting  
7 hydraulic fracturing operations shall disclose to  
8 the State (or to the Administrator, in any case  
9 in which the Administrator has primary en-  
10 forcement responsibility in a State), by not  
11 later than such deadlines as shall be established  
12 by the State (or the Administrator)—

13                           “(i) before the commencement of any  
14 hydraulic fracturing operations at any area  
15 or a portion of a area, a list of chemicals  
16 intended for use in any underground injec-  
17 tion during the operations (including iden-  
18 tification of the chemical constituents of  
19 mixtures, Chemical Abstracts Service num-  
20 bers for each chemical and constituent,  
21 material safety data sheets when available,  
22 and the anticipated volume of each chem-  
23 ical to be used); and

24                           “(ii) after the completion of hydraulic  
25 fracturing operations described in clause

1 (i), the list of chemicals used in each un-  
2 derground injection during the operations  
3 (including identification of the chemical  
4 constituents of mixtures, Chemical Ab-  
5 stracts Service numbers for each chemical  
6 and constituent, material safety data  
7 sheets when available, and the volume of  
8 each chemical used).

9 “(B) PUBLIC AVAILABILITY.—The State  
10 (or the Administrator, as applicable) shall make  
11 available to the public the information con-  
12 tained in each disclosure of chemical constitu-  
13 ents under subparagraph (A), including by  
14 posting the information on an appropriate  
15 Internet website.

16 “(C) IMMEDIATE DISCLOSURE IN CASE OF  
17 MEDICAL EMERGENCY.—

18 “(i) IN GENERAL.—Subject to clause  
19 (ii), the regulations promulgated pursuant  
20 to subsection (a) shall require that, in any  
21 case in which the State (or the Adminis-  
22 trator, as applicable) or an appropriate  
23 treating physician or nurse determines that  
24 a medical emergency exists and the propri-  
25 etary chemical formula or specific chemical

1 identity of a trade-secret chemical used in  
2 hydraulic fracturing is necessary for med-  
3 ical treatment, the applicable person using  
4 hydraulic fracturing shall, upon request,  
5 immediately disclose to the State (or the  
6 Administrator) or the treating physician or  
7 nurse the proprietary chemical formula or  
8 specific chemical identity of a trade-secret  
9 chemical, regardless of the existence of—

10 “(I) a written statement of need;

11 or

12 “(II) a confidentiality agreement.

13 “(ii) REQUIREMENT.—A person using  
14 hydraulic fracturing that makes a dislo-  
15 sure required under clause (i) may require  
16 the execution of a written statement of  
17 need and a confidentiality agreement as  
18 soon as practicable after the determination  
19 by the State (or the Administrator) or the  
20 treating physician or nurse under that  
21 clause.

22 “(D) NO PUBLIC DISCLOSURE RE-  
23 QUIRED.—Nothing in subparagraph (A) or (B)  
24 authorizes a State (or the Administrator) to re-

1           quire the public disclosure of any proprietary  
2           chemical formula.”.

3           (b) DEFINITIONS.—Section 1421(d) of the Safe  
4 Drinking Water Act (42 U.S.C. 300h(d)) is amended by  
5 striking paragraph (1) and inserting the following:

6           “(1) UNDERGROUND INJECTION.—

7                   “(A) IN GENERAL.—The term ‘under-  
8 ground injection’ means the subsurface em-  
9 placement of fluids by well injection.

10                   “(B) INCLUSION.—The term ‘underground  
11 injection’ includes the underground injection of  
12 fluids or propping agents pursuant to hydraulic  
13 fracturing operations relating to oil or gas pro-  
14 duction activities.

15                   “(C) EXCLUSION.—The term ‘underground  
16 injection’ does not include the underground in-  
17 jection of natural gas for the purpose of stor-  
18 age.”.

19           (c) STATE PRIMARY ENFORCEMENT RESPONSI-  
20 BILITY.—Section 1422 of the Safe Drinking Water Act  
21 (42 U.S.C. 300h–1) is amended by striking subsection (c)  
22 and inserting the following:

23           “(c) DISAPPROVAL OF A STATE PROGRAM.—

24                   “(1) IN GENERAL.—If the Administrator dis-  
25 approves a State program (or part of a program)

1 under subsection (b)(2) or determines under sub-  
2 section (b)(3) that a State no longer meets the re-  
3 quirements of clause (i) or (ii) of subsection  
4 (b)(1)(A), or if a State fails to submit an application  
5 or notice before the date of expiration of the period  
6 specified in subsection (b)(1), not later than 90 days  
7 after the date of the disapproval, determination, or  
8 expiration (as applicable), the Administrator, by reg-  
9 ulation, shall prescribe (and may from time to time  
10 by regulation revise) a program applicable to the  
11 State that meets the requirements of section  
12 1421(b).

13 “(2) OTHER PROGRAM NOT IN EFFECT.—A  
14 program prescribed by the Administrator under  
15 paragraph (1) shall apply in the State to the extent  
16 that a program adopted by the State that the Ad-  
17 ministrator determines meets the requirements of  
18 clause (i) or (ii) of subsection (b)(1)(A) is not in ef-  
19 fect.

20 “(3) OPPORTUNITY FOR PUBLIC HEARING.—  
21 Before promulgating any regulation under this sec-  
22 tion, the Administrator shall provide an opportunity  
23 for a public hearing with respect to the regulation.”.

1 (d) ENFORCEMENT OF PROGRAM.—Section 1423(c)  
2 of the Safe Drinking Water Act (42 U.S.C. 300h-2) is  
3 amended—

4 (1) by striking paragraphs (1) and (2) and in-  
5 serting the following:

6 “(1) IN GENERAL.—In any case in which the  
7 Administrator is authorized to bring a civil action  
8 under this section with respect to any regulation or  
9 other requirement of this part, the Administrator  
10 may also issue an order under this subsection that  
11 assesses a civil penalty of not more than \$10,000 for  
12 each day of violation for any past or current viola-  
13 tion, up to a maximum administrative penalty of  
14 \$125,000 or requires compliance with the regulation  
15 or other requirement, or both.”; and

16 (2) by redesignating paragraphs (3) through  
17 (8) as paragraphs (2) through (7), respectively.

18 (e) OPTIONAL DEMONSTRATION BY STATES RELAT-  
19 ING TO OIL OR NATURAL GAS.—

20 (1) IN GENERAL.—Section 1425 of the Safe  
21 Drinking Water Act (42 U.S.C. 300h-4) is repealed.

22 (2) CONFORMING AMENDMENTS.—

23 (A) The first sentence of section  
24 1423(a)(1) of the Safe Drinking Water Act (42

1 U.S.C. 300h–2(a)(1)) is amended by striking  
2 “or section 1425(c)”.

3 (B) Section 1443(c)(2) of the Safe Drink-  
4 ing Water Act (42 U.S.C. 300j–2(c)(2)) is  
5 amended by striking the second sentence.

6 **SEC. 302. REPORTS TO CONGRESS.**

7 (a) FUGITIVE METHANE EMISSIONS.—Not later than  
8 2 years after the date of enactment of this Act, the Admin-  
9 istrator of the Environmental Protection Agency shall sub-  
10 mit to Congress a report describing the quantity of fugi-  
11 tive methane emissions emitted as a result of any leak in  
12 natural gas infrastructure, including recommendations for  
13 eliminating each such leak.

14 (b) OTHER GREENHOUSE GAS EMISSIONS.—The Ad-  
15 ministrator of the Environmental Protection Agency shall  
16 enter into an agreement with the National Academy of  
17 Sciences under which the Academy shall conduct a study,  
18 and, not later than 2 years after the date of enactment  
19 of this Act, submit to Congress a report describing—

20 (1) the quantity of United States greenhouse  
21 gas emissions not covered by a program under this  
22 Act (or an amendment made by this Act); and

23 (2) recommendations for programs to reduce  
24 emissions of those greenhouse gases.

1 **SEC. 303. SENSE OF CONGRESS RELATING TO REDUCTION**  
2 **IN GREENHOUSE GAS EMISSIONS.**

3 It is the sense of Congress that the United States  
4 should carry out activities to ensure that, by January 1,  
5 2050, the total quantity of greenhouse gas emissions re-  
6 leased in the United States is reduced by not less than  
7 80 percent, as compared to the total quantity of green-  
8 house gas emissions released during calendar year 2005.

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