Mr. LEAHY. Mr. President, I ask unanimous consent that the text of the
bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the
RECORD.

Mr. LEAHY. Mr. President, I ask unanimous consent that the text of the
bill be printed in the RECORD.

Mr. President, if we do not pass this legislation, the real loser is the unfor
tunate used car buyer in these and other states who unknowingly pur
chases a wreck on wheels, perhaps a previously totaled government crash
test vehicle. Every day that Congress fails to act on this prudent title brand
ing legislation, thousands of individ
uals are harmed and millions of dollars are lost to the unscrupulous practice of
title laundering. Let’s pass this bill now.

S. 494

Mr. LEAHY. Mr. President, I ask unanimous consent that the text of the
bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the
RECORD, as follows:

S. 494

Be it enacted by the Senate and House of Rep
resentatives of the United States of America in
Congress assembled,
SEC. 2. FINDINGS AND PURPOSES.

(a) General Findings.—The Congress finds that—

(1) the United States is relying increasingly on old, needlessly inefficient, and high-
ly polluting powerplants to provide electricity; (2) the pollution from those powerplants
causes a wide range of health and environment-
al damage, including—

(A) fine particulate matter that is associ-
ated with the deaths of approximately 50,000
Americans annually; 

(B) urban ozone, commonly known as "smog", that restricts normal respiratory functions and is of special concern to indi-
viduals afflicted with asthma, emphysema,
and other respiratory ailments; 

(C) rural ozone that obscures visibility and
damages forests and wildlife;       

(D) acid deposition that damages estuaries,
lakes, rivers, and streams (and the plants
and animals that depend on them for sur-
vival) and leaches heavy metals from the
soil;  

(E) mercury and heavy metal contamina-
tion that renders fish unsafe to eat, with es-
specially serious consequences for pregnant
women and their fetuses; 

(F) eutrophication of estuaries, lakes, riv-
ers, and streams; and 

(G) global climate change that may fun-
damentally and irreversibly alter human,
plants, animals, and streams; and 

(b) Economic Findings.—The economic con-
tinuation of this Act is as follows: 

(1) the Department of Energy has esti-
403mated that--

(A) use of commercially available combus-
tion technology, including clean coal tech-
nologies such as pressurized fluidized bed
combustion and an integrated gasification com-
bined cycle system; 

(B) methods ofcombusting cleaner fuels,
such as gases from fossil and biological re-
sources; and 

(C) treating flue gases through application
of pollution controls; 

(D) methods of extracting energy from nat-
ural, renewable resources of energy, such as
solar and wind sources; 

(E) methods of producing electricity and
thermal energy from fuels without conven-
tional combustion, such as fuel cells; and 

(F) combined heat and power methods of
extracting and using heat that would other-
wise be wasted, for the purpose of heating or
cooling office buildings, providing steam to
processing facilities, or otherwise increasing
total efficiency; and 

(2) adopting the technologies and prac-
tices described in paragraph (1) would in-
crease competitiveness and productivity, se-
cure employment, save lives, and preserve
the future.

(b) Purposes.—The purposes of this Act are—

(1) to protect and preserve the envi-
ronment while safeguarding health by ensuring
that each fossil fuel-fired powerplant emits
mercury and mercury compounds occurs most frequently
through consumption of contaminated
fish, such exposure can also occur through—

(A) ingestion of breast milk; 

(B) ingestion of drinking water; and

(C) ingestion of other fish, that are contaminated with
methyl mercury; and

(10) the average fossil fuel-fired generating
unit in the United States commenced oper-
ation in 1984, 6 years before the Clean Air
Act (42 U.S.C. 7401 et seq.) was amended to
establish requirements for stationary
sources; 

(11)(A) according to the Department of En-
ergy, only 23 percent of the 1,000 largest
emitting units are subject to stringent new
source performance standards under section
111 of the Clean Air Act (42 U.S.C. 7411); and 

(3) to permanently reduce emissions of
those pollutants by increasing the combus-
tion heat rate efficiency of fossil fuel-fired
generating units to levels achievable through—

(A) use of commercially available combus-
tion technology, including clean coal tech-
nologies such as pressurized fluidized bed
combustion and an integrated gasification com-
bined cycle system; 

(B) installation of pollution controls; 

(C) expanded use of renewable and clean energy sources such as biomass, geothermal,
solar, wind, and fuel cells; and 

(D) promotion of application of combined
heat and power technologies; 

(4)(A) to create financial and regulatory incen-
tives to retire thermally inefficient gener-
ing units and replace them with new
units that employ high-thermal-efficiency
combustion technology; and 

(6)(A) the Environmental Protection Agency
reported in paragraph (15) supports a plausible link between mercury emissions from combus-
tion of coal and other fossil fuels and mercury concentrations in air, soil, water, and
sediments; 

(16)(A) the Environmental Protection Agency
report described in paragraph (15) supports a plausible link between mercury emissions from combus-
tion of coal and other fossil fuels and mercury concentra-
tions in freshwater fish; 

(B) in 1997, 39 States issued health advisories
with the warning about con-
sumption of mercury-tainted fish, as compared to
27 States that issued such advisories in 1993; and 

(17) pollution from powerplants can be re-
duced through adoption of modern tech-
nologies and practices, including—

(18) adopting the technologies and prac-
tices described in paragraph (1) would in-
crease competitiveness and productivity, se-
cure employment, save lives, and preserve
the future.
rate efficiency and emission standards specified in this Act, each fossil fuel-fired generating unit shall be required—

(A) to maintain, at all operating levels, a combustion heat rate efficiency not less than 45 percent (based on the higher heating value of the fuel); and

(B) to provide economic development incentives for communities adversely affected by reduced consumption of coal.

SEC. 3. DEFINITIONS.

In this Act—

(1) ADMINISTRATOR.—The term ‘‘Administrator’’ means the Administrator of the Environmental Protection Agency.

(2) GENERATING UNIT.—The term ‘‘generating unit’’ means an electric utility generating unit.

SEC. 4. COMBUSTION HEAT RATE EFFICIENCY STANDARDS FOR FOSSIL FUEL-FIRED GENERATING UNITS.

(a) STANDARDS.—

(1) IN GENERAL.—Not later than the day that is 2 years after the date of enactment of this Act, each fossil fuel-fired generating unit that commences operation on or before that day shall achieve and maintain, at all operating levels, a combustion heat rate efficiency of not less than 45 percent (based on the higher heating value of the fuel).

(2) FUTURE GENERATING UNITS.—Each fossil fuel-fired generating unit that commences operation more than 10 years after the date of enactment of this Act shall achieve and maintain, at all operating levels, a combustion heat rate efficiency of not less than 50 percent (based on the higher heating value of the fuel), unless granted a waiver under subsection (d).

(b) TEST METHODS.—Not later than 2 years after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Energy, shall promulgate methods for determining initial and continuing compliance with this section.

(c) PERMIT REQUIREMENT.—Not later than 10 years after the date of enactment of this Act, the Administrator shall promulgate methods for determining initial and continuing compliance with this section.

(d) WAIVER OF COMBUSTION HEAT RATE EFFICIENCY STANDARD.—

(1) APPLICATION.—The owner or operator of a generating unit that commences operation more than 10 years after the date of enactment of this Act may apply to the Administrator for a waiver of the combustion heat rate efficiency standard specified in subsection (a).

(2) ISSUANCE.—The Administrator may issue a waiver of the combustion heat rate efficiency standard applicable to that generating unit on a case-by-case basis.

(3) EFFECT OF WAIVER.—If the Administrator issues a waiver under paragraph (1), the generating unit shall be required to achieve and maintain, at all operating levels, the combustion heat rate efficiency standard specified in subsection (a)(2).

(4) NITROGEN OXIDES.—Each fossil fuel-fired generating unit subject to section 4(a)(1) shall be in compliance with the following emission limitations:

(A) MERCURY.—Each coal-fired or fuel oil-fired generating unit shall be required to remove 90 percent of the mercury contained in the fuel, calculated in accordance with subsection (c).

(B) FUEL OIL-FIRED GENERATING UNITS.—Each natural gas-fired generating unit subject to section 4(a)(1) shall be in compliance with the following emission limitations:

(1) CARBON DIOXIDE.—(A) NATURAL GAS-FIRED GENERATING UNITS.—Each natural gas-fired generating unit shall be required to achieve an emission rate of not more than 0.9 pounds of carbon dioxide per kilowatt hour of net electric power output.

(B) FUEL OIL-FIRED GENERATING UNITS.—Each fuel oil-fired generating unit shall be required to achieve an emission rate of not more than 1.3 pounds of carbon dioxide per kilowatt hour of net electric power output.

(C) COAL-FIRED GENERATING UNITS.—Each coal-fired generating unit shall be required to achieve an emission rate of not more than 1.55 pounds of carbon dioxide per kilowatt hour of net electric power output.

(2) SULFUR DIOXIDE.—Each fossil fuel-fired generating unit shall be required—

(A) to remove 95 percent of the sulfur dioxide that would otherwise be present in the flue gas; and

(B) to achieve an emission rate of not more than 0.3 pounds of sulfur dioxide per million British thermal units of fuel consumed.

(3) NITROGEN OXIDES.—Each fossil fuel-fired generating unit shall be required—

(A) to remove 90 percent of nitrogen oxides that would otherwise be present in the flue gas; and

(B) to achieve an emission rate of not more than 0.15 pounds of nitrogen oxides per million British thermal units of fuel consumed.

(c) EMISSION RATES FOR SOURCES REQUIRED TO MAINTAIN 45 PERCENT EFFICIENCY.—Not later than 10 years after the date of enactment of this Act, each fossil fuel-fired generating unit subject to section 4(a)(1) shall be in compliance with the following emission limitations:

(1) MERCURY.—Each coal-fired or fuel oil-fired generating unit shall be required to achieve an emission rate of not more than 0.8 pounds of carbon dioxide per kilowatt hour of net electric power output.

(2) CARBON DIOXIDE.—Each fossil fuel-fired generating unit shall be required to maintain a combustion heat rate efficiency of not less than 50 percent (based on the higher heating value of the fuel).
(5) DISPOSAL OF MERCURY CAPTURED OR RECOVERED FROM GENERATION CONTROL.
(1) CAPTURED OR RECOVERED MERCURY.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations to ensure that mercury that is captured or recovered through the use of an emission control, coal cleaning, or another method is disposed of in a manner that ensures that—
(A) the hazards from mercury are not transferred from 1 environmental medium to another; and
(B) there is no release of mercury into the environment.
(2) MERCURY-CONTAINING SLUDGES AND WASTES.—The regulations promulgated by the Administrator under paragraph (1) shall ensure that mercury-containing sludges and wastes are handled and disposed of in accordance with all applicable Federal and State laws (including regulations).

(g) PUBLIC REPORTING OF FACILITY-SPECIFIC EMISSION DATA.—
(1) IN GENERAL.—The Administrator shall annually make available to the public through 1 or more published reports and the Internet, facility-specific emission data for each generating unit and for each pollutant covered by this section.
(2) SOURCE OF DATA.—The emission data shall be taken from the emission reports submitted under subsection (e)(3).

SEC. 6. EXTENSION OF RENEWABLE ENERGY PRODUCTION CREDIT.
Section 45(c) of the Internal Revenue Code of 1986 (relating to definitions) is amended—
(1) in paragraph (a), by striking "and"; and
(A) in subparagraph (A), by striking "and";
(B) in subparagraph (B), by striking the period at the end of "electricity" and inserting "electricity"; and
(C) by adding at the end the following:
"(C) solar power.";
(2) in paragraph (3)—
(A) by inserting "and December 31, 1998, in the case of a facility using solar power to produce electricity" after "electricity"; and
(B) by striking "1999 and inserting "2010"; and
(3) by adding at the end the following:
"(C) SOLAR POWER.—The term "solar power" means solar power harnessed through—
"(A) photovoltaic systems,
"(B) solar boilers that provide process heat, and
"(C) any other means.".

SEC. 7. MEGAWATT HOUR GENERATION FEES.
(a) IN GENERAL.—Chapter 38 of the Internal Revenue Code of 1986 (relating to excise taxes) is amended by inserting after subchapter D the following:
"Subchapter E. Megawatt Hour Generation Fees.
"Sec. 4691. Imposition of fees.
"(a) TAX IMPOSED.—There is hereby imposed on each covered fossil fuel-fired generating unit a tax equal to 30 cents per megawatt hour of electricity produced by the covered fossil fuel-fired generating unit.
"(b) ADJUSTMENT OF RATES.—Not less often than once every 2 years beginning after 2002, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall evaluate the rate of the tax imposed by subsection (a) and increase the rate if and only if, during the succeeding calendar year to ensure that the Clean Air Trust Fund established by section 9511 has sufficient amounts to fully fund the activities described in section 9512.
"(c) PAYMENT OF TAX.—The tax imposed by this section shall be paid quarterly by the owner or operator of each covered fossil fuel-fired generating unit.

(d) COVERED FOSSIL FUEL-FIRED GENERATING UNIT.—The term "covered fossil fuel-fired generating unit" means an electric utility generating facility that—
"(1) is powered by fossil fuels;
"(2) has a generating capacity of 5 or more megawatts; and
"(3) begins, on the date on which the generating unit commenced commercial operation, is not subject to all regulations promulgated under section 111 of the Clean Air Act (42 U.S.C. 7411).
"(b) CONFORMING AMENDMENT.—The table of subchapters for such chapter 38 is amended by inserting after the item relating to subchapter D the following:
"Subchapter E. Megawatt hour generation fees.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity produced in calendar years beginning after December 31, 2000.

SEC. 8. CLEAN AIR TRUST FUND.
(a) CLEAN AIR TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Clean Air Trust Fund' (hereafter referred to in this section as the 'Trust Fund'), consisting of such amounts as may be appropriated or credited to the Trust Fund as provided in this section or section 9623(b).
(b) TRUST FUND.—There are hereby appropriated to the Trust Fund amounts equivalent to the taxes received in calendar years prior to 1998 and 5(c) of the Clean Power Plant and Modernization Act of 1999, as in effect on the date of enactment of this paragraph.

"(c) EXPENDITURES FROM TRUST FUND.—Amounts in the Trust Fund shall be available, without further Act of appropriation, upon request by the head of the appropriate Federal agency in such amounts as the agency head determines are necessary—
"(1) to provide funding under section 12 of the Clean Power Plant and Modernization Act of 1999, as in effect on the date of enactment of this section;
"(2) to provide funding for the demonstration program under section 15 of such Act, as so in effect;
"(3) to provide assistance under section 15 of such Act, as so in effect;
"(4) to provide assistance under section 16 of such Act, as so in effect; and
"(5) to provide funding under section 17 of such Act, as so in effect.
"(b) CONFORMING AMENDMENT.—The table of sections for such subchapter A is amended by adding at the end the following:
"Sec. 9511. Clean Air Trust Fund.

SEC. 9. ACCELERATED DEPRECIATION FOR INVESTOR-OWNED GENERATING UNITS.
(a) IN GENERAL.—Chapter 18(e)(3) of the Internal Revenue Code of 1986 (relating to classification of certain property) is amended—
"(1) in subparagraph (E) (relating to 15-year property), by striking "and" at the end of clause (iii) and inserting "and", and by adding at the end the following:
"(iv) any 45-percent efficient fossil fuel-fired generating unit installed and bringing into commercial operation during the 15-year period ending with the date of enactment of this Act, or through replacement of old generating units with new generating units that meet the combustion heat rate efficiency and emission standards specified in this Act, or through replacement of old generating units with new generating units using new power generation technologies, should be credited to the utility sector, and
"(b) DEFINITIONS.—Section 18(e)(1) of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended by adding at the end the following:
"(15) FOSSIL FUEL-FIRED GENERATING UNITS.—
"(A) 50-PERCENT EFFICIENT FOSSIL FUEL-FIRED GENERATING UNITS.—The term '50-percent efficient fossil fuel-fired generating unit' means any property used in an investor-owned fossil-fuel generating unit pursuant to a plan approved by the Secretary, in consultation with the Administrator of the Environmental Protection Agency, to place into service such a unit that is in compliance with sections 4(a)(1) and 5(b) of such Act, as so in effect.
"(b) 45-PERCENT EFFICIENT FOSSIL FUEL-FIRED GENERATING UNIT.—The term '45-percent efficient fossil fuel-fired generating unit' means any property used in an investor-owned fossil-fuel generating unit pursuant to a plan so approved to place into service such a unit that is in compliance with sections 4(a)(1) and 5(b) of such Act, as so in effect.

SEC. 10. GRANTS FOR PUBLICLY OWNED GENERATING UNITS.
Any capital expenditure made after the date of enactment of this Act to purchase, install, and bring into commercial operation any new publicly owned generating unit that—
(1) is in compliance with sections 4(a)(1) and 5(b) shall, for a 15-year period, be eligible for partial reimbursement through annual grants made by the Secretary of the Treasury, in consultation with the Administrator, in an amount equal to the value of the depreciation deduction that would be realized by reason of section 168(c)(3)(E) of the Internal Revenue Code of 1986 by a similarly-situated investor-owned generating unit over that period; and
(2) is in compliance with sections 4(a)(2) and 5(c) shall, over a 12-year period, be eligible for partial reimbursement through annual grants made by the Secretary of the Treasury, in consultation with the Administrator, in an amount equal to the monetary value of the depreciation deduction that would be realized by reason of section 168(c)(3)(D) of such Code by a similarly-situated investor-owned generating unit over that period.

SEC. 11. RECOGNITION OF PERMANENT EMISSION REDUCTIONS IN FUTURE CLIMATE CHANGE IMPLEMENTATION PROGRAMS.
It is the sense of Congress that—
(1) permanent reductions in emissions of carbon dioxide and nitrogen oxides that are accomplished through the retirement of old generating units and replacement by new generating units that meet the combustion heat rate efficiency and emission standards specified in this Act, or through replacement of old generating units with new generating units using new power generation technologies, should be credited to the utility sector, and
to the owner or operator that retires or replaces the eligible generating unit, in any climate change implementation program enacted by Congress;

(2) the base year for calculating reductions under a program described in paragraph (1) should be the year preceding the calendar year in which this Act is enacted; and

(3) a reasonable portion of any monetary value that may accrue from the crediting described in paragraph (1) should be passed on to utility customers.

SEC. 12. RENEWABLE AND CLEAN POWER GENERATION TECHNOLOGIES.

(a) In General.—Under the Renewable Energy and Energy Efficiency Technology Act of 1989 (42 U.S.C. 13471 et seq.), the Secretary of Energy shall fund research and development programs and commercial demonstration projects and partnerships to demonstrate the commercial viability and environmental benefits of electric power generation from—

(1) biomass (excluding unseparated municipal solid waste and the use of biomass as an alternative fuel or co-firing of biomass with coal, biomass modular systems, next-generation wind turbines and wind turbine verification projects, geothermal energy conversion, and fuel cells); and

(b) Types of Projects.—Demonstration projects may include solar power plants, solar dish, and engine co-firing of biomass with coal, biomass modular systems, next-generation wind turbines and wind turbine verification projects, geothermal energy conversion, and fuel cells.

(c) Authorization of Appropriations.—In addition to amounts made available under any other law, there is authorized to be appropriated to carry out this section $75,000,000 for each of fiscal years 2001 through 2010.

SEC. 13. CLEAN COAL, ADVANCED GAS TURBINE, AND COMBINED HEAT AND POWER DEMONSTRATION PROGRAM.

(a) In General.—Under subtitle B of title XXI of the Energy Policy Act of 1992 (42 U.S.C. 13471 et seq.), the Secretary of Energy shall establish a program to fund projects and partnerships designed to demonstrate the efficiency and environmental benefits of electric power generation from—

(1) clean coal technologies, such as pressurized fluidized bed combustion and an integrated gasification combined cycle system;

(2) advanced gas turbine technologies, such as flexible sized gas turbines and base-load utility scale applications; and

(3) combined heat and power technologies.

(b) Selection Criteria.—

(1) In General.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy shall promulgate criteria for selection of demonstration projects and partnerships designed to—

(A) the potential of a proposed demonstration project or partnership to reduce or avoid emissions covered by section 5 and air pollutants covered by section 111 of the Clean Air Act (42 U.S.C. 7411); and

(B) the potential commercial viability of the proposed demonstration project or partnership.

(2) Authorization of Appropriations.—

(a) In General.—In addition to amounts made available under any other law, there is authorized to be appropriated to carry out this section $75,000,000 for each of fiscal years 2001 through 2010.

(b) Restrictions.—The Secretary shall make reasonable efforts to ensure that, under the program established under this section, the same amount of funding is provided for demonstration projects and partnerships under paragraphs (1), (2), and (3) of subsection (a).

SEC. 14. EVALUATION OF IMPLEMENTATION OF FUNDING FOR COMMUNITY ECONOMIC DEVELOPMENT PROGRAMS.

(a) In General.—Not later than 2 years after the date of enactment of this Act, the Secretary of Energy, in consultation with the Chairman of the Federal Energy Regulatory Commission and the Administrator of the Energy Efficiency and End-Use Technologies Program, shall submit to Congress a report on the implementation of this Act.


(c) Recommendations.—The report shall include recommendations from the Secretary of Energy, the Chairman of the Federal Energy Regulatory Commission, and the Administrator of the Energy Efficiency and End-Use Technologies Program on measures to harmonize and streamline the statutes specified in subsection (b) and the regulations implementing those statutes.

SEC. 15. ASSISTANCE TO WORKERS ADVERSELY AFFECTED BY REDUCED CONSUMPTION OF COAL.

In addition to amounts made available under any other law, there is authorized to be appropriated $75,000,000 for each of fiscal years 2001 through 2015 to provide assistance, under the economic dislocation and worker adjustment assistance program of the Department of Labor authorized by title III of the Job Training Partnership Act (29 U.S.C. 1651 et seq.), to coal industry workers who are terminated from employment as a result of reduced consumption of coal by the electric power generation industry.

SEC. 16. COMMUNITY ECONOMIC DEVELOPMENT INCENTIVES FOR COMMUNITIES ADVERSELY AFFECTED BY REDUCED CONSUMPTION OF COAL.

In addition to amounts made available under any other law, there is authorized to be appropriated $75,000,000 for each of fiscal years 2001 through 2015 to provide assistance, under the economic dislocation and worker adjustment assistance program of the Department of Labor, in order to bring emerging Russian leaders to the United States to see first hand how democracy and the American free market economic system function. The program was successful in bringing over 2,100 emerging leaders from 83 of the former Soviet states and republics to the Russian Federation during July, August, and September of this year. Dr. Billington, the Librarian of Congress, and one of the world's leading historians of Russian culture was asked to administer this program. Our thanks go to Dr. Billington for doing an excellent job implementing this program in a short period of time.

The program was modeled after the Marshall Plan which was implemented after World War II. Between 1946–1956, the U.S. Government brought over 10,000 Germans citizens to the United States to learn ways to rebuild their economy through technical assistance as well as cultural and political contacts. The Marshall Plan was one of the most successful foreign aid programs of the last century.

Similar to the Marshall Plan, participants in the Russian Leadership Program visited more than 400 communities in 48 states and the District of Columbia observing democracy in action at all levels of government. They met and discussed the American system of government with current and former U.S. Presidents, Members of the U.S. Senate and U.S. House, Governors, state legislators, state supreme court justices, mayors, and members of city and town councils.

Some of the participants also campaigned door-to-door with political candidates, visited police and fire stations, met with students in schools, visited hospitals, research facilities, businesses, soup kitchens, shelters and experienced firsthand the partnership among government, and the private sector.

This program was unique because more than 800 American families hosted our Russian visitors, welcoming them into their homes and communities, and spending the time to answer $30,000,000 to carry out soil restoration, tree planting, wetland protection, and other methods of biologically sequestering carbon dioxide.