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REPORT
110–904

TRANSPORTATION ENERGY SECURITY AND CLIMATE CHANGE MITIGATION ACT OF 2007

SEPTEMBER 29, 2008.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. OBERSTAR, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 2701]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 2701) to strengthen our Nation's energy security and mitigate the effects of climate change by promoting energy efficient transportation and public buildings, creating incentives for the use of alternative fuel vehicles and renewable energy, and ensuring sound water resource and natural disaster preparedness planning, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Transportation Energy Security and Climate Change Mitigation Act of 2007".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.

TITLE I—DEPARTMENT OF TRANSPORTATION

Sec. 101. Center for climate change and environment.

TITLE II—HIGHWAYS AND TRANSIT

Subtitle A—Public Transportation

Sec. 201. Grants to improve public transportation services.

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Sec. 202. Increased Federal share for Clean Air Act compliance.
Sec. 203. Commuter rail transit enhancement.

Subtitle B—Federal-Aid Highways

Sec. 251. Increased Federal share for CMAQ projects.
Sec. 252. Distribution of rescissions.
Sec. 253. Sense of Congress regarding use of complete streets design techniques.

TITLE III—RAILROAD AND PIPELINE TRANSPORTATION

Subtitle A—Railroads

Sec. 301. Green locomotive grant program.
Sec. 302. Capital grants for railroad track.

Subtitle B—Pipelines

Sec. 311. Feasibility studies.

TITLE IV—MARITIME TRANSPORTATION

Subtitle A—General Provisions

Sec. 401. Short sea transportation initiative.
Sec. 402. Short sea shipping eligibility for capital construction fund.
Sec. 403. Report.
Sec. 404. Green ports initiative.

Subtitle B—Maritime Pollution

Sec. 451. References.
Sec. 452. Definitions.
Sec. 453. Applicability.
Sec. 454. Administration and enforcement.
Sec. 455. Certificates.
Sec. 456. Reception facilities.
Sec. 457. Inspections.
Sec. 458. Amendments to the protocol.
Sec. 459. Penalties.
Sec. 460. Effect on other laws.

TITLE V—AVIATION

Sec. 501. CLEEN engine and airframe technology partnership.
Sec. 502. Environmental mitigation pilot program.

TITLE VI—PUBLIC BUILDINGS

Subtitle A—General Services Administration

Sec. 601. Public building energy efficient and renewable energy systems.
Sec. 602. Public building life-cycle costs.
Sec. 603. Installation of photovoltaic system at department of energy headquarters building.

Subtitle B—Coast Guard

Sec. 631. Prohibition on incandescent lamps by Coast Guard.

Subtitle C—Architect of the Capitol

Sec. 651. Capitol complex photovoltaic roof feasibility study.
Sec. 652. Capitol complex E–85 refueling station.
Sec. 653. Energy and environmental measures in Capitol complex master plan.
Sec. 654. Capitol Power Plant.

TITLE VII—WATER RESOURCES AND EMERGENCY MANAGEMENT PREPAREDNESS

Subtitle A—Water Resources

Sec. 701. Policy of the United States.
Sec. 702. 21st Century Water Commission.
Sec. 703. Improving hydropower capabilities.
Sec. 704. Study of Potential Impacts of Climate Change on Water Resources and Water Quality.
Sec. 705. Impacts of climate change on Corps of Engineers projects.

Subtitle B—Emergency Management

Sec. 731. Effects of climate change on FEMA preparedness, response, recovery, and mitigation programs.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Evidence that atmospheric warming and climate change are occurring is unequivocal.

(2) Observed and anticipated impacts of climate change can result in economic harm and environmental damage to the United States and the world.

(3) The Nation's water resources, ecosystems, and infrastructure will be under increasing stress and pressure in coming decades, particularly due to climate change.

(4) Greenhouse gases, such as carbon dioxide, methane, and nitrous oxides, can lead to atmospheric warming and climate change.

(5) Transportation and buildings are among the leading sources of greenhouse gas emissions.

(6) Increased reliance on energy efficient and renewable energy transportation and public buildings can strengthen our Nation's energy security and mitigate the effects of climate change by cutting greenhouse gas emissions.

(7) The Federal Government can strengthen our Nation's energy security and mitigate the effects of climate change by promoting energy efficient transportation and public buildings, creating incentives for the use of alternative fuel vehicles and renewable energy, and ensuring sound water resource and natural disaster preparedness planning.

(b) PURPOSES.—The purposes of this Act are to strengthen our Nation's energy security and mitigate the effects of climate change by promoting energy efficient transportation and public buildings, creating incentives for the use of alternative fuel vehicles and renewable energy, and ensuring sound water resource and natural disaster preparedness planning.

TITLE I—DEPARTMENT OF TRANSPORTATION

SEC. 101. CENTER FOR CLIMATE CHANGE AND ENVIRONMENT.

(a) IN GENERAL.—Section 102 of title 49, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by adding after subsection (f) the following:

"(g) CENTER FOR CLIMATE CHANGE AND ENVIRONMENT.—

"(1) ESTABLISHMENT.—There is established in the Department a Center for Climate Change and Environment to plan, coordinate, and implement—

"(A) department-wide research, strategies, and actions to reduce transportation-related energy use and mitigate the effects of climate change; and

"(B) department-wide research strategies and action to address the impacts of climate change on transportation systems and infrastructure.

"(2) CLEARINGHOUSE.—The Center shall establish a clearinghouse of low-cost solutions to reduce congestion and transportation-related energy use and mitigate the effects of climate change.".

(b) LOW-COST CONGESTION SOLUTIONS.—

(1) STUDY.—The Center for Climate Change and Environment of the Department of Transportation shall conduct a study to examine fuel efficiency savings and clean air impacts of major transportation projects, to identify low-cost solutions to reduce congestion and transportation-related energy use and mitigate the effects of climate change, and to alleviate such problems as railroad pricing that may force freight off the more fuel efficient railroads and onto less fuel efficient trucks.

(2) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary of Transportation shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives a report on low-cost solutions to reducing congestion and transportation-related energy use and mitigating the effects of climate change.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for the Center to carry out its duties under section 102(g) of title 49, United States Code, such sums as may be necessary for fiscal years 2008 through 2011.

TITLE II—HIGHWAYS AND TRANSIT

Subtitle A—Public Transportation

SEC. 201. GRANTS TO IMPROVE PUBLIC TRANSPORTATION SERVICES.

(a) AUTHORIZATIONS OF APPROPRIATIONS.—

(1) URBANIZED AREA FORMULA GRANTS.—In addition to amounts allocated under section 5338(b)(2)(B) of title 49, United States Code, to carry out section 5307 of such title, there is authorized to be appropriated $750,000,000 for each of fiscal years 2008 and 2009 to carry out such section 5307. Such funds shall be apportioned in accordance with section 5336 (other than subsections (i)(1) and (j)) of such title but may not be combined or commingled with any other funds apportioned under such section 5336.

(2) FORMULA GRANTS FOR OTHER THAN URBANIZED AREAS.—In addition to amounts allocated under section 5338(b)(2)(G) of title 49, United States Code, to carry out section 5311 of such title, there is authorized to be appropriated $100,000,000 for each of fiscal years 2008 and 2009 to carry out such section

5311. Such funds shall be apportioned in accordance with such section 5311 but may not be combined or commingled with any other funds apportioned under such section 5311.

(b) USE OF FUNDS.—Notwithstanding sections 5307 and 5311 of title 49, United States Code, the Secretary of Transportation may make grants under such sections from amounts appropriated under subsection (a) only for one or more of the following:

(1) If the recipient of the grant is reducing, or certifies to the Secretary that, during the term of the grant, the recipient will reduce one or more fares the recipient charges for public transportation, those operating costs of equipment and facilities being used to provide the public transportation that the recipient is no longer able to pay from the revenues derived from such fare or fares as a result of such reduction.

(2) If the recipient of the grant is expanding, or certifies to the Secretary that, during the term of the grant, the recipient will expand public transportation service, those operating and capital costs of equipment and facilities being used to provide the public transportation service that the recipient incurs as a result of the expansion of such service.

(c) FEDERAL SHARE.—Notwithstanding any other provision of law, the Federal share of the costs for which a grant is made under this section shall be 100 percent.

(d) PERIOD OF AVAILABILITY.—Funds appropriated under this section shall remain available for a period of 2 fiscal years.

SEC. 202. INCREASED FEDERAL SHARE FOR CLEAN AIR ACT COMPLIANCE.

Notwithstanding section 5323(i)(1) of title 49, United States Code, a grant for a project to be assisted under chapter 53 of such title during fiscal years 2008 and 2009 that involves acquiring clean fuel or alternative fuel vehicle-related equipment or facilities for the purposes of complying with or maintaining compliance with the Clean Air Act (42 U.S.C. 7401 et seq.) shall be for 100 percent of the net project cost of the equipment or facility attributable to compliance with that Act.

SEC. 203. COMMUTER RAIL TRANSIT ENHANCEMENT.

(a) AMENDMENT.—Part E of subtitle V of title 49, United States Code, is amended by adding at the end the following:

"CHAPTER 285—COMMUTER RAIL TRANSIT ENHANCEMENT

"Sec.
"28501. Definitions
"28502. Surface Transportation Board mediation of trackage use requests.
"28503. Surface Transportation Board mediation of rights-of-way use requests.
"28504. Applicability of other laws.
"28505. Rules and regulations.

"§ 28501. Definitions

"In this chapter—

"(1) the term 'Board' means the Surface Transportation Board;

"(2) the term 'capital work' means maintenance, restoration, reconstruction, capacity enhancement, or rehabilitation work on trackage that would be treated, in accordance with generally accepted accounting principles, as a capital item rather than an expense;

"(3) the term 'fixed guideway transportation' means public transportation (as defined in section 5302(a)(10)) provided on, by, or using a fixed guideway (as defined in section 5302(a)(4));

"(4) the term 'public transportation authority' means a local governmental authority (as defined in section 5302(a)(6)) established to provide, or make a contract providing for, fixed guideway transportation;

"(5) the term 'rail carrier' means a person, other than a governmental authority, providing common carrier railroad transportation for compensation subject to the jurisdiction of the Board under chapter 105;

"(6) the term 'segregated fixed guideway facility' means a fixed guideway facility constructed within the railroad right-of-way of a rail carrier but physically separate from trackage, including relocated trackage, within the right-of-way used by a rail carrier for freight transportation purposes; and

"(7) the term 'trackage' means a railroad line of a rail carrier, including a spur, industrial, team, switching, side, yard, or station track, and a facility of a rail carrier.

"§ 28502. Surface Transportation Board mediation of trackage use requests

"If, after a reasonable period of negotiation, a public transportation authority cannot reach agreement with a rail carrier to use trackage of, and have related services provided by, the rail carrier for purposes of fixed guideway transportation, the pub-

lic transportation authority or the rail carrier may apply to the Board for nonbinding mediation. The Board shall conduct the nonbinding mediation in accordance with the mediation process of section 1109.4 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this section.

"§ 28503. Surface Transportation Board mediation of rights-of-way use requests

"If, after a reasonable period of negotiation, a public transportation authority cannot reach agreement with a rail carrier to acquire an interest in a railroad right-of-way for the construction and operation of a segregated fixed guideway facility, the public transportation authority or the rail carrier may apply to the Board for nonbinding mediation. The Board shall conduct the nonbinding mediation in accordance with the mediation process of section 1109.4 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this section.

"§ 28504. Applicability of other laws

"Nothing in this chapter shall be construed to limit a rail transportation provider's right under section 28103(b) to enter into contracts that allocate financial responsibility for claims.

"§ 28505. Rules and regulations

"Not later than 180 days after the date of enactment of this section, the Board shall issue such rules and regulations as may be necessary to carry out this chapter.".

(b) CLERICAL AMENDMENT.—The table of chapters of such subtitle is amended by adding after the item relating to chapter 283 the following:

"285. COMMUTER RAIL TRANSIT ENHANCEMENT ..... 28501".

Subtitle B—Federal-Aid Highways

SEC. 251. INCREASED FEDERAL SHARE FOR CMAQ PROJECTS.

Section 120(c) of title 23, United States Code, is amended—

(1) in the subsection heading by striking "FOR CERTAIN SAFETY PROJECTS";

(2) by striking "The Federal share" and inserting the following:

"(1) CERTAIN SAFETY PROJECTS.—The Federal share"; and

(3) by adding at the end the following:

"(2) CMAQ PROJECTS.—The Federal share payable on account of a project or program carried out under section 149 with funds obligated in fiscal year 2008 or 2009, or both, shall be 100 percent of the cost thereof.".

SEC. 252. DISTRIBUTION OF RESCISSIONS.

(a) IN GENERAL.—Any unobligated balances of amounts that are appropriated from the Highway Trust Fund for a fiscal year, and apportioned under chapter 1 of title 23, United States Code, before, on, or after the date of enactment of this Act and that are rescinded after such date of enactment shall be distributed within each State (as defined in section 101 of such title) among all programs for which funds are apportioned under such chapter for such fiscal year, to the extent sufficient funds remain available for obligation, in the ratio that the amount of funds apportioned for each program under such chapter for such fiscal year, bears to the amount of funds apportioned for all such programs under such chapter for such fiscal year.

(b) TREATMENT OF TRANSPORTATION ENHANCEMENT SET-ASIDE AND FUNDS SUBALLOCATED TO SUBSTATE AREAS.—Funds set aside under sections 133(d)(2) and 133(d)(3) of title 23, United States Code, shall be treated as being apportioned under chapter 1 of such title for purposes of subsection (a).

SEC. 253. SENSE OF CONGRESS REGARDING USE OF COMPLETE STREETS DESIGN TECHNIQUES.

It is the sense of Congress that in constructing new roadways or rehabilitating existing facilities, State and local governments should employ policies designed to accommodate all users, including motorists, pedestrians, cyclists, transit riders, and people of all ages and abilities, in order to—

(1) serve all surface transportation users by creating a more interconnected and intermodal system;

(2) create more viable transportation options; and

(3) facilitate the use of environmentally friendly options, such as public transportation, walking, and bicycling.

TITLE III—RAILROAD AND PIPELINE TRANSPORTATION

Subtitle A—Railroads

SEC. 301. GREEN LOCOMOTIVE GRANT PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation shall establish a program for making grants to railroad carriers and State and local governments for assistance in purchasing qualified locomotives.

(b) RAILROAD CARRIER DEFINED.—The term "railroad carrier" has the meaning that the term has in section 20102 of title 49, United States Code.

(c) USE OF FUNDS.——

(1) GRANTS.—The Secretary may make a grant to a railroad carrier or a State or local government—

(A) to purchase locomotives, including switch locomotives, that exceed the Environmental Protection Agency's emission standards for locomotives and locomotive engines; or

(B) to recondition locomotives, including switch locomotives, to ensure that such locomotives meet or exceed the Environmental Protection Agency's emission standards for locomotives and locomotive engines.

(2) LIMITATION.—Notwithstanding paragraph (1), no grant under this section may be used to fund the costs of emission reductions that are mandated under Federal, State, or local law.

(d) GRANT CRITERIA.—In selecting applicants for grants under this section, the Secretary shall consider—

(1) the identified need for locomotives that exceed the Environmental Protection Agency's emission standards for locomotives or locomotive engines in the areas served by the applicant;

(2) the benefits of the emissions reductions of the proposed project; and

(3) the extent to which the applicant demonstrates innovative strategies and a financial commitment to increasing energy efficiency and reducing greenhouse gas emissions of its railroad operations.

(e) COMPETITIVE GRANT SELECTION.—The Secretary shall conduct a national solicitation for applications for grants under this section and shall select grantees on a competitive basis.

(f) FEDERAL SHARE.—The Federal share of the costs for a project under this section shall not exceed 90 percent of the project cost.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $50,000,000 for each of the fiscal years 2008 through 2011 to carry out this section. Such funds shall remain available until expended.

SEC. 302. CAPITAL GRANTS FOR RAILROAD TRACK.

(a) AMENDMENT.—Chapter 223 of title 49, United States Code, is amended to read as follows:

"CHAPTER 223—CAPITAL GRANTS FOR RAILROAD TRACK

"Sec.
"22301. Capital grants for railroad track.

"§ 22301. Capital grants for railroad track

"(a) ESTABLISHMENT OF PROGRAM.—

"(1) ESTABLISHMENT.—The Secretary of Transportation shall establish a program of capital grants for the rehabilitation, preservation, or improvement of railroad track (including roadbed, bridges, and related track structures) of class II and class III railroads. Such grants shall be for rehabilitating, preserving, or improving track used primarily for freight transportation to a standard ensuring that the track can be operated safely and efficiently, including grants for rehabilitating, preserving, or improving track to handle 286,000 pound railcars. Grants may be provided under this chapter—

"(A) directly to the class II or class III railroad; or

"(B) with the concurrence of the class II or class III railroad, to a State or local government.

"(2) STATE COOPERATION.—Class II and class III railroad applicants for a grant under this chapter are encouraged to utilize the expertise and assistance of State transportation agencies in applying for and administering such grants. State transportation agencies are encouraged to provide such expertise and assistance to such railroads.

"(3) INTERIM REGULATIONS.—Not later than December 31, 2007, the Secretary shall issue temporary regulations to implement the program under this section. Subchapter II of chapter 5 of title 5 does not apply to a temporary regulation issued under this paragraph or to an amendment to such a temporary regulation.

"(4) FINAL REGULATIONS.—Not later than October 1, 2008, the Secretary shall issue final regulations to implement the program under this section.

"(b) MAXIMUM FEDERAL SHARE.—The maximum Federal share for carrying out a project under this section shall be 80 percent of the project cost. The non-Federal share may be provided by any non-Federal source in cash, equipment, or supplies. Other in-kind contributions may be approved by the Secretary on a case-by-case basis consistent with this chapter.

"(c) PROJECT ELIGIBILITY.—For a project to be eligible for assistance under this section the track must have been operated or owned by a class II or class III railroad as of the date of the enactment of this chapter.

"(d) USE OF FUNDS.—Grants provided under this section shall be used to implement track capital projects as soon as possible. In no event shall grant funds be contractually obligated for a project later than the end of the third Federal fiscal year following the year in which the grant was awarded. Any funds not so obligated by the end of such fiscal year shall be returned to the Secretary for reallocation.

"(e) EMPLOYEE PROTECTION.—The Secretary shall require as a condition of any grant made under this section that the recipient railroad provide a fair arrangement at least as protective of the interests of employees who are affected by the project to be funded with the grant as the terms imposed under section 11326(a), as in effect on the date of the enactment of this chapter.

"(f) LABOR STANDARDS.—

"(1) PREVAILING WAGES.—The Secretary shall ensure that laborers and mechanics employed by contractors and subcontractors in construction work financed by a grant made under this section will be paid wages not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor under subchapter IV of chapter 31 of title 40 (commonly known as the 'Davis-Bacon Act'). The Secretary shall make a grant under this section only after being assured that required labor standards will be maintained on the construction work.

"(2) WAGE RATES.—Wage rates in a collective bargaining agreement negotiated under the Railway Labor Act (45 U.S.C. 151 et seq.) are deemed for purposes of this subsection to comply with the subchapter IV of chapter 31 of title 40.

"(g) STUDY.—The Secretary shall conduct a study of the projects carried out with grant assistance under this section to determine the public interest benefits associated with the light density railroad networks in the States and their contribution to a multimodal transportation system. Not later than March 31, 2009, the Secretary shall report to Congress any recommendations the Secretary considers appropriate regarding the eligibility of light density rail networks for Federal infrastructure financing.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Transportation $250,000,000 for each of fiscal years 2008 through 2011 for carrying out this section.".

(b) CONFORMING AMENDMENT.—The item relating to chapter 223 in the table of chapters of subtitle V of title 49, United States Code, is amended to read as follows:

"223. CAPITAL GRANTS FOR RAILROAD TRACK ..... 22301".

Subtitle B—Pipelines

SEC. 311. FEASIBILITY STUDIES.

(a) IN GENERAL.—The Secretary of Energy, in coordination with the Secretary of Transportation, shall conduct feasibility studies for the construction of pipelines dedicated to the transportation of ethanol.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on such feasibility studies.

(c) STUDY FACTORS.—Feasibility studies funded under this subtitle shall include consideration of—

(1) existing or potential barriers to the construction of pipelines dedicated to the transportation of ethanol, including technical, siting, financing, and regulatory barriers;

(2) market risk, including throughput risk;

(3) regulatory, financing, and siting options that would mitigate such risk and help ensure the construction of pipelines dedicated to the transportation of ethanol;

(4) ensuring the safe transportation of ethanol and preventive measures to ensure pipeline integrity; and

(5) such other factors as the Secretary of Energy considers appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Energy to carry out this section $1,000,000 for each of the fiscal years 2008 and 2009, to remain available until expended.

TITLE IV—MARITIME TRANSPORTATION

Subtitle A—General Provisions

SEC. 401. SHORT SEA TRANSPORTATION INITIATIVE.

(a) IN GENERAL.—Title 46, United States Code, is amended by adding after chapter 555 the following:

"CHAPTER 556—SHORT SEA TRANSPORTATION

"Sec. 55601. Short sea transportation program.
"Sec. 55602. Cargo and shippers.
"Sec. 55603. Financing of short sea transportation projects.
"Sec. 55604. Interagency coordination.
"Sec. 55605. Research on short sea transportation.
"Sec. 55606. Short sea transportation defined.

"§ 55601. Short sea transportation program

"(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a short sea transportation program and designate short sea transportation projects to be conducted under the program to mitigate landside congestion.

"(b) PROGRAM ELEMENTS.—The program shall encourage the use of short sea transportation through the development and expansion of—

"(1) documented vessels;

"(2) shipper utilization;

"(3) port and landside infrastructure; and

"(4) marine transportation strategies by State and local governments.

"(c) SHORT SEA TRANSPORTATION ROUTES.—The Secretary shall designate short sea transportation routes as extensions of the surface transportation system to focus public and private efforts to use the waterways to relieve landside congestion along coastal corridors. The Secretary may collect and disseminate data for the designation and delineation of short sea transportation routes.

"(d) PROJECT DESIGNATION.—The Secretary may designate a project to be a short sea transportation project if the Secretary determines that the project may—

"(1) offer a waterborne alternative to available landside transportation services using documented vessels; and

"(2) provide transportation services for passengers or freight (or both) that may reduce congestion on landside infrastructure using documented vessels.

"(e) ELEMENTS OF PROGRAM.—For a short sea transportation project designated under this section, the Secretary of Transportation may—

"(1) promote the development of short sea transportation services;

"(2) coordinate, with ports, State departments of transportation, localities, other public agencies, and the private sector and on the development of landside facilities and infrastructure to support short sea transportation services; and

"(3) develop performance measures for the short sea transportation program.

"(f) MULTISTATE, STATE AND REGIONAL TRANSPORTATION PLANNING.—The Secretary, in consultation with Federal entities and State and local governments, shall develop strategies to encourage the use of short sea transportation for transportation of passengers and cargo. The Secretary shall—

"(1) assess the extent to which States and local governments include short sea transportation and other marine transportation solutions in their transportation planning;

"(2) encourage State departments of transportation to develop strategies, where appropriate, to incorporate short sea transportation, ferries, and other marine transportation solutions for regional and interstate transport of freight and passengers in their transportation planning; and

"(3) encourage groups of States and multi-State transportation entities to determine how short sea transportation can address congestion, bottlenecks, and other interstate transportation challenges.

"§ 55602. Cargo and shippers

"(a) MEMORANDUMS OF AGREEMENT.—The Secretary of Transportation shall enter into memorandums of understanding with the heads of other Federal entities to transport federally owned or generated cargo using a short sea transportation project designated under section 55601 when practical or available.

"(b) SHORT-TERM INCENTIVES.—The Secretary shall consult shippers and other participants in transportation logistics and develop proposals for short-term incentives to encourage the use of short sea transportation.

"§ 55603. Financing of short sea transportation projects

"(a) AUTHORITY TO MAKE LOAN GUARANTEE.—The Secretary of Transportation, subject to the availability of appropriations, may make a loan guarantee for the financing of the construction, reconstruction, or reconditioning of a vessel that will be used for a short sea transportation project designated under section 55601.

"(b) TERMS AND CONDITIONS.—In making a loan guarantee under this section, the Secretary shall use the authority, terms, and conditions that apply to a loan guarantee made under chapter 537.

"(c) GENERAL LIMITATIONS.—The total unpaid principal amount of obligations guaranteed under this chapter and outstanding at one time may not exceed $2,000,000,000.

"(d) FULL FAITH AND CREDIT.—The full faith and credit of the United States Government is pledged to the payment of a guarantee made under this chapter, for both principal and interest, including interest (as may be provided for in the guarantee) accruing between the date of default under a guaranteed obligation and the date of payment in full of the guarantee.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $25,000,000 to carry out this section for each of fiscal years 2008 through 2011.

"§ 55604. Interagency coordination

"The Secretary of Transportation shall establish a board to identify and seek solutions to impediments hindering effective use of short sea transportation. The board shall include representatives of other Federal, State, and local governmental entities and private sector entities.

"§ 55605. Research on short sea transportation

"The Secretary of Transportation may conduct research on short sea transportation, regarding—

"(1) the environmental and transportation benefits to be derived from short sea transportation alternatives for other forms of transportation;

"(2) technology, vessel design, and other improvements that would reduce emissions, increase fuel economy, and lower costs of short sea transportation and increase the efficiency of intermodal transfers; and

"(3) identify and seek solutions to impediments to short sea transportation projects designated under section 55601.

"§ 55606. Short sea transportation defined

"In this chapter, the term 'short sea transportation' means the carriage by vessel of cargo—

"(1) that is—

"(A) contained in intermodal cargo containers and loaded by crane on the vessel; or

"(B) loaded on the vessel by means of wheeled technology; and

"(2) that is—

"(A) loaded at a port in the United States and unloaded at another port in the United States or a port in Canada located in the Great Lakes Saint Lawrence Seaway System; or

"(B) loaded at a port in Canada located in the Great Lakes Saint Lawrence Seaway System and unloaded at a port in the United States.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle V of such title is amended by inserting after the item relating to chapter 555 the following:

"556. Short Sea Transportation ..... 55601".

(c) REGULATIONS.—

(1) INTERIM REGULATIONS.—Not later than December 31, 2007, the Secretary of Transportation shall issue temporary regulations to implement the program under this section. Subchapter II of chapter 5 of title 5, United States Code,

does not apply to a temporary regulation issued under this paragraph or to an amendment to such a temporary regulation.

(2) FINAL REGULATIONS.—Not later than October 1, 2008, the Secretary shall issue final regulations to implement the program under this section.

SEC. 402. SHORT SEA SHIPPING ELIGIBILITY FOR CAPITAL CONSTRUCTION FUND.

(a) DEFINITION OF QUALIFIED VESSEL.—Section 53501 of title 46, United States Code, is amended—

(1) in paragraph (5)(A)(iii) by striking "or noncontiguous domestic" and inserting "noncontiguous domestic, or short sea transportation trade"; and

(2) by inserting after paragraph (6) the following:

"(7) SHORT SEA TRANSPORTATION TRADE.—The term 'short sea transportation trade' means the carriage by vessel of cargo—

"(A) that is—

"(i) contained in intermodal cargo containers and loaded by crane on the vessel; or

"(ii) loaded on the vessel by means of wheeled technology; and

"(B) that is—

"(i) loaded at a port in the United States and unloaded at another port in the United States or a port in Canada located in the Great Lakes Saint Lawrence Seaway System; or

"(ii) loaded at a port in Canada located in the Great Lakes Saint Lawrence Seaway System and unloaded at a port in the United States.".

(b) ALLOWABLE PURPOSE.—Section 53503(b) of such title is amended by striking "or noncontiguous domestic trade" and inserting "noncontiguous domestic, or short sea transportation trade".

SEC. 403. REPORT.

Not later than one year after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the short sea transportation program established under the amendments made by section 401. The report shall include a description of the activities conducted under the program, and any recommendations for further legislative or administrative action that the Secretary considers appropriate.

SEC. 404. GREEN PORTS INITIATIVE.

(a) IN GENERAL.—

(1) DEVELOPMENT AND IMPLEMENTATION.—The Secretary of Transportation shall develop and implement a green port initiative to promote the use of technologies in United States ports and shipyards to reduce air emissions including particulate matter, nitrogen oxides, sulfur oxides, and carbon monoxides. The program may include—

(A) use of electric and low-emission vehicles for cargo handling equipment;

(B) use of electric shore power and low pollution auxiliary engines for vessels in port;

(C) use of energy efficient lighting and other electrical products in ports;

(D) use of best management practices to decrease emissions;

(E) use of technology and best management practices to prevent pollution of the waters in ports; and

(F) use of other energy efficient or low emission technologies that the Secretary considers necessary.

(2) GREEN PORT AWARD.—The Secretary may issue a green port award to a port that meets the standards for that award prescribed by the Secretary for low emissions and pollution by a port.

(b) CLEAN TECHNOLOGY ASSISTANCE.—

(1) IN GENERAL.—The Secretary may provide grants and low-cost revolving loans, as determined by the Secretary, on a competitive basis, to ports, terminal operators, and shipyards to achieve significant reductions in diesel emissions of particulate matter, nitrogen oxides, and sulfur oxides in United States ports.

(2) PRIORITIZATION.—The Secretary shall provide grants and loans to the applicants that will use the funds provided to remove the largest amount of pollutants for each dollar provided in the grant or loan.

(3) APPLICATIONS.—

(A) IN GENERAL.—To receive a grant or loan under this subsection, a port, terminal operator, or shipyard shall submit to the Secretary an application

at a time, in a manner, and including any information that the Secretary may require.

(B) INCLUSIONS.—An application under this paragraph shall include—

(i) a description of the air quality of the area served by the port, terminal operator, or shipyard;

(ii) the quantity of air pollution produced in the port area served by the port, terminal operator, or shipyard;

(iii) a description of the project proposed by the port, terminal operator, or shipyard, including the means by which the project will achieve a significant reduction in diesel emissions;

(iv) an evaluation (using methodology approved by the Secretary) of the benefits of the emissions reductions of the proposed project;

(v) an estimate of the cost of the proposed project; and

(vi) provisions for the monitoring and verification of the project.

(4) USE OF FUNDS.—

(A) IN GENERAL.—A port, terminal operator, or shipyard may use a grant or loan provided under this subsection to fund the costs of—

(i) a technology (including any incremental costs of a repowered or new diesel engine) that significantly reduces emissions through development and implementation of a certified engine configuration, verified technology, or emerging technology for—

(I) a medium-duty truck or a heavy-duty truck;

(II) a marine engine;

(III) a nonroad engine or vehicle used in applications such as handling of cargo; and

(IV) electric shore power and low pollution auxiliary engines for vessels in port; and

(ii) an idle-reduction program involving a vehicle or equipment.

(B) REGULATORY PROGRAMS.—Notwithstanding paragraph (1), no grant or loan provided under this subsection may be used to fund the costs of emissions reductions that are mandated under Federal, State, or local law.

(C) ENGINES.—A recipient of a grant or loan under this subsection may only use the funds under the grant or loan for engines that are certified for low emissions and technology that has been verified in a manner prescribed by the Secretary as producing low emissions.

(5) FEDERAL SHARE.—The Federal share of the costs for a project for which a grant is made under this subsection may not exceed 90 percent.

(6) LIMITATION ON AMOUNT.—A grant or loan under this subsection may not exceed $1,000,000.

(7) TECHNICAL REVIEW TEAM.—The Secretary shall establish a technical review team comprised of members from agencies within the Department of Transportation to review proposals for grants and loans under this subsection. The Secretary shall select agencies to serve as review panel participants based on the Secretary's determination that they possess the necessary expertise and knowledge to evaluate the proposals.

(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $25,000,000 for each of fiscal years 2008 through 2011 to carry out this subsection.

(c) USE OF SETTLEMENT AMOUNTS.—

(1) IN GENERAL.—The Secretary, acting through the Maritime Administrator, shall consult with the Attorney General regarding the payment to maritime emission reduction foundations authorized by the Administrator of amounts collected by the Government as a result of settlements relating to allegations of violations of environmental laws related to vessels, ports, and port-related services.

(2) USE OF AMOUNTS.—Such amounts shall be used by such a foundation for the development of technologies, including best management practices, related to compliance with marine emissions reduction, as determined appropriate by the Maritime Administrator.

(d) TESTING PROGRAM.—

(1) IN GENERAL.—The Secretary, acting through the Maritime Administrator, may establish a cooperative partnership with the Administrator of the Environmental Protection Agency, or any other agency the Secretary determines to be appropriate, to test emissions reduction technology on actual vessels.

(2) TECHNOLOGIES TO BE TESTED.—The program under this subsection shall be based on emergent and existing technologies that have been verified effective under laboratory conditions.

(3) MAINTENANCE OF VESSEL USABILITY.—Any technology tested under this subsection must not permanently alter or render the vessel on which it is tested ineffective for long-term Maritime Administration use.

(4) ADMINISTRATION PRIORITIES AND NEEDS.—The Secretary shall designate vessels as platforms for testing under this subsection in accordance with Maritime Administration priorities and needs.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $6,000,000 to administer and implement cooperative partnerships established under paragraph (1).

Subtitle B—Maritime Pollution

SEC. 451. REFERENCES.

Wherever in this subtitle an amendment or repeal is expressed in terms of an amendment to or a repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.).

SEC. 452. DEFINITIONS.

Section 2(a) (33 U.S.C. 1901(a)) is amended—

(1) by redesignating paragraphs (1) through (12) as paragraphs (2) through (13), respectively;

(2) by inserting before paragraph (2) (as so redesignated) the following:

"(1) 'Administrator' means the Administrator of the Environmental Protection Agency.";

(3) in paragraph (5) (as so redesignated) by striking "and V" and inserting "V, and VI";

(4) in paragraph (6) (as so redesignated) by striking "'discharge' and 'garbage' and 'harmful substance' and 'incident'" and inserting "'discharge', 'emission', 'garbage', 'harmful substance', and 'incident'"; and

(5) by redesignating paragraphs (7) through (13) (as redesignated) as paragraphs (8) through (14), respectively, and inserting after paragraph (6) (as redesignated) the following:

"(7) 'navigable waters' includes the territorial sea of the United States (as defined in Presidential Proclamation 5928 of December 27, 1988) and the internal waters of the United States;".

SEC. 453. APPLICABILITY.

Section 3 (33 U.S.C. 1902) is amended—

(1) in subsection (a)—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

(C) by adding at the end the following:

"(5) with respect to Annex VI to the Convention, and other than with respect to a ship referred to in paragraph (1)—

"(A) to a ship that is in a port, shipyard, offshore terminal, or the internal waters of the United States;

"(B) to a ship that is bound for, or departing from, a port, shipyard, offshore terminal, or the internal waters of the United States, and is in—

"(i) the navigable waters of the United States;

"(ii) an emission control area designated pursuant to section 4; or

"(iii) any other area that the Administrator, in consultation with the Secretary and each State in which any part of the area is located, has designated by order as being an area from which emissions from ships are of concern with respect to protection of public health, welfare, or the environment;

"(C) to a ship that is entitled to fly the flag of, or operating under the authority of, a party to Annex VI, and is in—

"(i) the navigable waters of the United States;

"(ii) an emission control area designated under section 4; or

"(iii) any other area that the Administrator, in consultation with the Secretary and each State in which any part of the area is located, has designated by order as being an area from which emissions from ships are of concern with respect to protection of public health, welfare, or the environment; and

"(D) to the extent consistent with international law, to any other ship that is in—

"(i) the exclusive economic zone of the United States;

"(ii) the navigable waters of the United States;

"(iii) an emission control area designated under section 4; or

"(iv) any other area that the Administrator, in consultation with the Secretary and each State in which any part of the area is located, has designated by order as being an area from which emissions from ships are of concern with respect to protection of public health, welfare, or the environment.";

(2) in subsection (b)—

(A) in paragraph (1) by striking "paragraph (2)" and inserting "paragraphs (2) and (3)"; and

(B) by adding at the end the following:

"(3) With respect to Annex VI the Administrator, or the Secretary, as relevant to their authorities pursuant to this Act, may determine that some or all of the requirements under this Act shall apply to one or more classes of public vessels, except that such a determination by the Administrator shall have no effect unless the head of the Department or agency under which the vessels operate concurs in the determination. This paragraph does not apply during time of war or during a declared national emergency.";

(3) by redesignating subsections (c) through (g) as subsections (d) through (h), respectively;

(4) by inserting after subsection (b) the following:

"(c) APPLICATION TO OTHER PERSONS.—This Act shall apply to all persons to the extent necessary to ensure compliance with Annex VI to the Convention."; and

(5) in subsection (e), as redesignated—

(A) by inserting "or the Administrator, consistent with section 4 of this Act," after "Secretary";

(B) by striking "of section (3)" and inserting "of this section"; and

(C) by striking "Protocol, including regulations conforming to and giving effect to the requirements of Annex V" and inserting "Protocol (or the applicable Annex), including regulations conforming to and giving effect to the requirements of Annex V and Annex VI".

SEC. 454. ADMINISTRATION AND ENFORCEMENT.

Section 4 (33 U.S.C. 1903) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(2) by inserting after subsection (a) the following:

"(b) DUTY OF THE ADMINISTRATOR.—In addition to other duties specified in this Act, the Administrator and the Secretary, respectively, shall have the following duties and authorities:

"(1) The Administrator shall, and no other person may, issue Engine International Air Pollution Prevention certificates in accordance with Annex VI and the International Maritime Organization's Technical Code on Control of Emissions of Nitrogen Oxides from Marine Diesel Engines, on behalf of the United States for a vessel of the United States as that term is defined in section 116 of title 46, United States Code. The issuance of Engine International Air Pollution Prevention certificates shall be consistent with any applicable requirements of the Clean Air Act (42 U.S.C. 7401 et seq.) or regulations prescribed under that Act.

"(2) The Administrator shall have authority to administer regulations 12, 13, 14, 15, 16, 17, 18, and 19 of Annex VI to the Convention.

"(3) The Administrator shall, only as specified in section 8(f), have authority to enforce Annex VI of the Convention."; and

(3) in subsection (c), as redesignated—

(A) by redesignating paragraph (2) as paragraph (4);

(B) by inserting after paragraph (1) the following:

"(2) In addition to the authority the Secretary has to prescribe regulations under this Act, the Administrator shall also prescribe any necessary or desired regulations to carry out the provisions of regulations 12, 13, 14, 15, 16, 17, 18, and 19 of Annex VI to the Convention.

"(3) In prescribing any regulations under this section, the Secretary and the Administrator shall consult with each other, and with respect to regulation 19, with the Secretary of the Interior."; and

(C) by adding at the end the following:

"(5) No standard issued by any person or Federal authority, with respect to emissions from tank vessels subject to regulation 15 of Annex VI to the Convention, shall be effective until 6 months after the required notification to the International Maritime Organization by the Secretary.".

SEC. 455. CERTIFICATES.

Section 5 (33 U.S.C. 1904) is amended—

(1) in subsection (a) by striking "The Secretary" and inserting "Except as provided in section 4(b)(1), the Secretary";

(2) in subsection (b) by striking "Secretary under the authority of the MARPOL protocol." and inserting "Secretary or the Administrator under the authority of this Act."; and

(3) in subsection (e) by striking "environment." and inserting "environment or the public health and welfare.".

SEC. 456. RECEPTION FACILITIES.

Section 6 (33 U.S.C. 1905) is amended—

(1) in subsection (a) by adding at the end the following:

"(3) The Secretary and the Administrator, after consulting with appropriate Federal agencies, shall jointly prescribe regulations setting criteria for determining the adequacy of reception facilities for receiving ozone depleting substances, equipment containing such substances, and exhaust gas cleaning residues at a port or terminal, and stating any additional measures and requirements as are appropriate to ensure such adequacy. Persons in charge of ports and terminals shall provide reception facilities, or ensure that reception facilities are available, in accordance with those regulations. The Secretary and the Administrator may jointly prescribe regulations to certify, and may issue certificates to the effect, that a port's or terminal's facilities for receiving ozone depleting substances, equipment containing such substances, and exhaust gas cleaning residues from ships are adequate.";

(2) in subsection (b) by inserting "or the Administrator" after "Secretary";

(3) in subsection (e) by striking paragraph (2) and inserting the following:

"(2) The Secretary may deny the entry of a ship to a port or terminal required by the MARPOL Protocol, this Act, or regulations prescribed under this section relating to the provision of adequate reception facilities for garbage, ozone depleting substances, equipment containing those substances, or exhaust gas cleaning residues, if the port or terminal is not in compliance with the MARPOL Protocol, this Act, or those regulations.";

(4) in subsection (f)(1) by striking "Secretary is" and inserting "Secretary and the Administrator are"; and

(5) in subsection (f)(2) by striking "(A)".

SEC. 457. INSPECTIONS.

Section 8(f) (33 U.S.C. 1907(f)) is amended to read as follows:

"(f)(1) The Secretary may inspect a ship to which this Act applies as provided under section 3(a)(5), to verify whether the ship is in compliance with Annex VI to the Convention and this Act.

"(2) If an inspection under this subsection or any other information indicates that a violation has occurred, the Secretary, or the Administrator in a matter referred by the Secretary, may undertake enforcement action under this section.

"(3) Notwithstanding subsection (b) and paragraph (2) of this subsection, the Administrator shall have all of the authorities of the Secretary, as specified in subsection (b) of this section, for the purposes of enforcing regulations 17 and 18 of Annex VI to the Convention to the extent that shoreside violations are the subject of the action and in any other matter referred to the Administrator by the Secretary.".

SEC. 458. AMENDMENTS TO THE PROTOCOL.

Section 10(b) (33 U.S.C. 1909(b)) is amended by inserting "or the Administrator as provided for in this Act," after "Secretary,".

SEC. 459. PENALTIES.

Section 9 (33 U.S.C. 1908) is amended—

(1) by striking "Protocol,," each place it appears and inserting "Protocol,";

(2) in subsection (b) by inserting ", or the Administrator as provided for in this Act" after "Secretary" the first place it appears;

(3) in subsection (b)(2), by inserting ", or the Administrator as provided for in this Act," after "Secretary";

(4) in the matter after paragraph (2) of subsection (b)—

(A) by inserting ", or the Administrator as provided for in this Act" after "Secretary" the first place it appears; and

(B) by inserting ", or the Administrator as provided for in this Act," after "Secretary" the second and third places it appears;

(5) in subsection (c) by inserting ", or the Administrator as provided for in this Act," after "Secretary" each place it appears; and

(6) in subsection (f) by inserting ", or the Administrator as provided for in this Act" after "Secretary" the first place appears.

SEC. 460. EFFECT ON OTHER LAWS.

Section 15 (33 U.S.C. 1911) is amended to read as follows:

"SEC. 15. EFFECT ON OTHER LAWS.

"Authorities, requirements, and remedies of this Act supplement and neither amend nor repeal any other authorities, requirements, or remedies conferred by any other provision of law. Nothing in this Act shall limit, deny, amend, modify, or repeal any other authority, requirement, or remedy available to the United States or any other person, except as expressly provided in this Act.".

TITLE V—AVIATION

SEC. 501. CLEEN ENGINE AND AIRFRAME TECHNOLOGY PARTNERSHIP.

(a) COOPERATIVE AGREEMENT.—Subchapter I of chapter 475 of tite 49, United States Code, is amended by adding at the end the following:

"§ 47511. CLEEN engine and airframe technology partnership

"(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall enter into a cooperative agreement, using a competitive process, with an institution, entity, or consortium to carry out a program for the development, maturing, and certification of CLEEN engine and airframe technology for aircraft over the next 10 years.

"(b) CLEEN ENGINE AND AIRFRAME TECHNOLOGY DEFINED.—In this section, the term 'CLEEN engine and airframe technology' means continuous lower energy, emissions, and noise engine and airframe technology.

"(c) PERFORMANCE OBJECTIVE.—The Administrator shall establish the following performance objectives for the program, to be achieved by September 30, 2015:

"(1) Development of certifiable aircraft technology that reduces greenhouse gas emissions by increasing aircraft fuel efficiency by 25 percent relative to 1997 subsonic jet aircraft technology.

"(2) Development of certifiable engine technology that reduces landing and takeoff cycle nitrogen oxide emissions by 50 percent, without increasing other gaseous or particle emissions, over the International Civil Aviation Organization standard adopted in 2004.

"(3) Development of certifiable aircraft technology that reduces noise levels by 10 decibels at each of the 3 certification points relative to 1997 subsonic jet aircraft technology.

"(4) Determination of the feasibility of the use of alternative fuels in aircraft systems, including successful demonstration and quantification of the benefits of such fuels.

"(5) Determination of the extent to which new engine and aircraft technologies may be used to retrofit or re-engine aircraft to increase the integration of retrofitted and re-engined aircraft into the commercial fleet.

"(d) CLEAN COAL TO JET FUEL RESEARCH.—

"(1) ESTABLISHMENT OF RESEARCH PROGRAM.—The Secretary of Transportation shall conduct a research program related to developing jet fuel from clean coal through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies. The Secretary may include as a purpose of the program a demonstration of the capture and sequestration of the carbon dioxide produced in the conversion process of coal to jet fuel. The program shall include participation by educational and research institutions that have existing facilities and experience in the development and deployment of technology that processes coal to aviation fuel.

"(2) DESIGNATION OF INSTITUTE AS A CENTER OF EXCELLENCE.—Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall designate through a competitive process an institution described in subsection (a) as a Center of Excellence for Coal to Jet Fuel Research.

"(e) FUNDING.—Of amounts appropriated under section 48102(a), not more than the following amounts may be used to carry out this section:

"(1) $6,000,000 for fiscal year 2008.

"(2) $22,000,000 for fiscal year 2009.

"(3) $33,000,000 for fiscal year 2010.

"(4) $50,000,000 for fiscal year 2011.

"(f) REPORT.—Beginning in fiscal year 2009, the Administrator shall publish an annual report on the program established under this section until completion of the program.".

(b) CLERICAL AMENDMENT.—The analysis for such subchapter is amended by adding at the end the following:

"47511. CLEEN engine and airframe technology partnership.".

SEC. 502. ENVIRONMENTAL MITIGATION PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a pilot program to carry out not more than 6 environmental mitigation demonstration projects at public-use airports.

(b) GRANTS.—In implementing the program, the Secretary may make a grant to the sponsor of a public-use airport from funds apportioned under section 47117(e)(1)(A) of title 49, United States Code, to carry out an environmental mitigation demonstration project to measurably reduce or mitigate aviation impacts on noise, air quality, or water quality in the vicinity of the airport.

(c) ELIGIBILITY FOR PASSENGER FACILITY FEES.—An environmental mitigation demonstration project that receives funds made available under this section may be considered an eligible airport-related project for purposes of section 40117 of such title.

(d) SELECTION CRITERIA.—In selecting among applicants for participation in the program, the Secretary shall give priority consideration to applicants proposing to carry out environmental mitigation demonstration projects that will—

(1) achieve the greatest reductions in aircraft noise, airport emissions, or airport water quality impacts either on an absolute basis or on a per dollar of funds expended basis; and

(2) be implemented by an eligible consortium.

(e) FEDERAL SHARE.—Notwithstanding any provision of subchapter I of chapter 471 of such title, the United States Government share of allowable project costs of an environmental mitigation demonstration project carried out under this section shall be 50 percent.

(f) MAXIMUM AMOUNT.—The Secretary may not make grants for a single environmental mitigation demonstration project under this section in a total amount that exceeds $2,500,000.

(g) PUBLICATION OF INFORMATION.—The Secretary may develop and publish information on the results of environmental mitigation demonstration projects carried out under this section, including information identifying best practices for reducing or mitigating aviation impacts on noise, air quality, or water quality in the vicinity of airports.

(h) DEFINITIONS.—In this section, the following definitions apply:

(1) ELIGIBLE CONSORTIUM.—The term "eligible consortium" means a consortium of 2 or more of the following entities:

(A) A business incorporated in the United States.

(B) A public or private educational or research organization located in the United States.

(C) An entity of a State or local government.

(D) A Federal laboratory.

(2) ENVIRONMENTAL MITIGATION DEMONSTRATION PROJECT.—The term "environmental mitigation demonstration project" means a project that—

(A) demonstrates at a public-use airport environmental mitigation techniques or technologies with associated benefits, which have already been proven in laboratory demonstrations;

(B) utilizes methods for efficient adaptation or integration of innovative concepts to airport operations; and

(C) demonstrates whether a technique or technology for environmental mitigation identified in research is—

(i) practical to implement at or near multiple public-use airports; and

(ii) capable of reducing noise, airport emissions, greenhouse gas emissions, or water quality impacts in measurably significant amounts.

TITLE VI—PUBLIC BUILDINGS

Subtitle A—General Services Administration

SEC. 601. PUBLIC BUILDING ENERGY EFFICIENT AND RENEWABLE ENERGY SYSTEMS.

(a) ESTIMATE OF ENERGY PERFORMANCE IN PROSPECTUS.—Section 3307(b) of title 40, United States Code, is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; and"; and

(3) by inserting after paragraph (6) the following:

"(7) with respect to any prospectus for the construction, alteration, or acquisition of any building or space to be leased, an estimate of the future energy performance of the building or space and a specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.".

(b) MINIMUM PERFORMANCE REQUIREMENTS FOR LEASED SPACE.—Section 3307 of such of title is amended—

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

(2) by inserting after subsection (e) the following:

"(f) MINIMUM PERFORMANCE REQUIREMENTS FOR LEASED SPACE.—With respect to space to be leased, the Administrator shall include, to the maximum extent practicable, minimum performance requirements requiring energy efficiency and the use of renewable energy.".

(c) USE OF ENERGY EFFICIENT LIGHTING FIXTURES AND BULBS.—

(1) IN GENERAL.—Chapter 33 of such title is amended—

(A) by redesignating sections 3313, 3314, and 3315 as sections 3315, 3316, and 3317, respectively; and

(B) by inserting after section 3312 the following:

"§ 3313. Use of energy efficient lighting fixtures and bulbs

"(a) CONSTRUCTION, ALTERATION, AND ACQUISITION OF PUBLIC BUILDINGS.—Each public building constructed, altered, or acquired by the Administrator of General Services shall be equipped, to the maximum extent feasible as determined by the Administrator, with lighting fixtures and bulbs that are energy efficient.

"(b) MAINTENANCE OF PUBLIC BUILDINGS.—Each lighting fixture or bulb that is replaced by the Administrator in the normal course of maintenance of public buildings shall be replaced, to the maximum extent feasible, with a lighting fixture or bulb that is energy efficient.

"(c) CONSIDERATIONS.—In making a determination under this section concerning the feasibility of installing a lighting fixture or bulb that is energy efficient, the Administrator shall consider—

"(1) the life-cycle cost effectiveness of the fixture or bulb;

"(2) the compatibility of the fixture or bulb with existing equipment;

"(3) whether use of the fixture or bulb could result in interference with productivity;

"(4) the aesthetics relating to use of the fixture or bulb; and

"(5) such other factors as the Administrator determines appropriate.

"(d) ENERGY STAR.—A lighting fixture or bulb shall be treated as being energy efficient for purposes of this section if—

"(1) the fixture or bulb is certified under the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a); or

"(2) the Administrator has otherwise determined that the fixture or bulb is energy efficient.

"(e) APPLICABILITY OF BUY AMERICAN ACT.—Aquisitions carried out pursuant to this section shall be subject to the requirements of the Buy American Act (41 U.S.C. 10c et seq.).

"(f) EFFECTIVE DATE.—The requirements of subsections (a) and (b) shall take effect one year after the date of enactment of this subsection.".

(2) CONFORMING AMENDMENT.—The analysis for such chapter is amended by striking the items relating to sections 3313, 3314, and 3315 and inserting the following:

"3313. Use of energy efficient lighting fixtures and bulbs.
"3314. Maximum period for utility services contracts.
"3315. Delegation.
"3316. Report to Congress.
"3317. Certain authority not affected.".

(d) MAXIMUM PERIOD FOR UTILITY SERVICE CONTRACTS.—Such chapter is further amended by inserting after section 3313 (as inserted by subsection (c)(1) of this section) the following:

"§ 3314. Maximum period for utility service contracts

"Notwithstanding section 501(b)(1)(B), the Administrator of General Services may contract for public utility services for a period of not more than 30 years if cost effective and necessary to promote the use of energy efficient and renewable energy systems, including photovoltaic systems.".

(e) EVALUATION FACTOR.—Section 3310 of such title is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(2) by inserting after paragraph (2) the following:

"(3) shall include in the solicitation for any lease requiring a prospectus under section 3307 an evaluation factor considering the extent to which the offeror will promote energy efficiency and the use of renewable energy;".

SEC. 602. PUBLIC BUILDING LIFE-CYCLE COSTS.

Section 544(a)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8254(a)(1)) is amended by striking "25" and inserting "40".

SEC. 603. INSTALLATION OF PHOTOVOLTAIC SYSTEM AT DEPARTMENT OF ENERGY HEADQUARTERS BUILDING.

(a) IN GENERAL.—The Administrator of General Services shall install a photovoltaic system, as set forth in the Sun Wall Design Project, for the headquarters building of the Department of Energy located at 1000 Independence Avenue, SW., Washington, DC, commonly known as the Forrestal Building.

(b) FUNDING.—There shall be available from the Federal Buildings Fund established by section 592 of title 40, United States Code, $30,000,000 to carry out this section. Such sums shall be derived from the unobligated balance of amounts made available from the Fund for fiscal year 2007, and prior fiscal years, for repairs and alternations and other activities (excluding amounts made available for the energy program). Such sums shall remain available until expended.

(c) OBLIGATION OF FUNDS.—None of the funds made available pursuant to subsection (b) may be obligated prior to September 30, 2007.

Subtitle B—Coast Guard

SEC. 631. PROHIBITION ON INCANDESCENT LAMPS BY COAST GUARD.

(a) PROHIBITION.—Except as provided by subsection (b), on and after January 1, 2009, a general service incandescent lamp shall not be purchased or installed in a Coast Guard facility by or on behalf of the Coast Guard.

(b) EXCEPTION.—A general service incandescent lamp may be purchased, installed, and used in a Coast Guard facility whenever the application of a general service incandescent lamp is—

(1) necessary due to purpose or design, including medical, security, and industrial applications;

(2) reasonable due to the architectural or historical value of a light fixture installed before January 1, 2009; or

(3) the Commandant of the Coast Guard determines that operational requirements necessitate the use of a general service incandescent lamp.

(c) LIMITATION.—In this section, the term "facility" does not include a vessel or aircraft of the Coast Guard.

Subtitle C—Architect of the Capitol

SEC. 651. CAPITOL COMPLEX PHOTOVOLTAIC ROOF FEASIBILITY STUDY.

(a) STUDY.—The Architect of the Capitol may perform a feasibility study regarding construction of a photovoltaic roof for the Rayburn House Office Building.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Architect of the Capitol shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the feasibility study and recommendations regarding construction of a photovoltaic roof for the building referred to in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008.

SEC. 652. CAPITOL COMPLEX E–85 REFUELING STATION.

(a) CONSTRUCTION.—The Architect of the Capitol may construct a fuel tank and pumping system for E–85 fuel at or within close proximity to the Capitol Grounds Fuel Station.

(b) USE.—The E–85 fuel tank and pumping system shall be available for use by all legislative branch vehicles capable of operating with E–85 fuel, subject to such other legislative branch agencies reimbursing the Architect of the Capitol for the costs of E–85 fuel used by such other legislative branch vehicles.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008.

SEC. 653. ENERGY AND ENVIRONMENTAL MEASURES IN CAPITOL COMPLEX MASTER PLAN.

(a) IN GENERAL.—To the maximum extent practicable, the Architect of the Capitol shall include energy efficiency measures, climate change mitigation measures, and other appropriate environmental measures in the Capitol Complex Master Plan.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Architect of the Capitol shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Rules of the Senate a report on the energy efficiency measures, climate change mitigation measures, and other appropriate environmental measures included in the Capitol Complex Master Plan pursuant to subsection (a).

SEC. 654. CAPITOL POWER PLANT.

(a) IN GENERAL.—For the purpose of reducing carbon dioxide emissions, the Architect of the Capitol shall install technologies for the capture and storage or use of carbon dioxide emitted from the Capitol Power plant as a result of burning coal.

(b) CAPITOL POWER PLANT DEFINED.—In this section, the term "Capitol power plant" means the power plant constructed in the vicinity of the Capitol Complex in the District of Columbia pursuant to the Act of April 28, 1904 (33 Stat. 479, chapter 1762), and designated under the Act of March 4, 1911 (2 U.S.C. 2162).

TITLE VII—WATER RESOURCES AND EMERGENCY MANAGEMENT PREPAREDNESS

Subtitle A—Water Resources

SEC. 701. POLICY OF THE UNITED STATES.

It is the policy of the United States that all Federal water resources projects—

(1) reflect national priorities for flood damage reduction, navigation, ecosystem restoration, and hazard mitigation and consider the future impacts of increased hurricanes, droughts, and other climate change-related weather events;

(2) avoid the unwise use of floodplains, minimize vulnerabilities in any case in which a floodplain must be used, protect and restore the extent and functions of natural systems, and mitigate any unavoidable damage to aquatic natural system; and

(3) to the maximum extent possible, avoid impacts to wetlands, which create natural buffers, help filter water, serve as recharge areas for aquifers, reduce floods and erosion, and provide valuable plant and animal habitat.

SEC. 702. 21ST CENTURY WATER COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the 21st Century Water Commission (in this section referred to as the "Commission").

(b) DUTIES.—The duties of the Commission shall be to—

(1) use existing water assessments and conduct such additional studies and assessments as may be necessary to project—

(A) future water supply and demand;

(B) impacts of climate change to our Nation's flood risk and water demand; and

(C) associated impacts of climate change on water quality;

(2)(A) study current water management programs of Federal, interstate, State, and local agencies and private sector entities directed at increasing water supplies and improving the availability, reliability, and quality of freshwater resources; and

(B) evaluate such programs' hazard mitigation strategies and contingency planning in light of climate change impacts, including sea level rise, flooding, and droughts; and

(3) consult with representatives of such agencies and entities to develop recommendations, consistent with laws, treaties, decrees, and interstate compacts, for a comprehensive water strategy to—

(A) recognize the primary role of States in adjudicating, administering, and regulating water rights and water uses;

(B) identify incentives intended to ensure an adequate and dependable supply of water to meet the needs of the United States for the next 50 years and incentives to include the future impacts of climate change on water supply and quality for the next 50 years;

(C) eliminate duplication and conflict among Federal governmental programs;

(D) consider all available technologies (including climate change predictions, advanced modeling and mapping of wetlands, floodplains, and other critical areas) and other methods to optimize water supply reliability, availability, and quality, while safeguarding and enhancing the environment and planning for the potential impacts of climate change on water quality, water supply, flood and storm damage reduction, and ecosystem health;

(E) recommend means of capturing excess water and flood water for conservation and use in the event of a drought;

(F) identify adaptation techniques, or further research needs of adaptation techniques, for effectively conserving freshwater and coastal systems as they respond to climate change;

(G) suggest financing options, incentives, and strategies for development of comprehensive water management plans, holistically designed water resources projects, conservation of existing water resource infrastructure (including recommendations for repairing aging water infrastructure) and to increase the use of nonstructural elements (including green infrastructure and low impact development techniques);

(H) suggest strategies for avoiding increased mandates on State and local governments;

(I) suggest strategies for using best available climate science in projections of future flood and drought risk, and for developing hazard mitigation strategies to protect water quality, in extreme weather conditions caused by climate change;

(J) identify policies that encourage low impact development, especially in areas near high priority aquatic systems;

(K) suggest strategies for encouraging the use of, and reducing biases against, nonstructural elements and low impact development techniques when managing stormwater, including features that—

(i) preserve and restore natural processes, landforms (such as floodplains), natural vegetated stream side buffers, wetlands, or other topographical features that can slow, filter, and naturally store stormwater runoff and flood waters for future water supply and recharge of natural aquifers;

(ii) utilize natural design techniques that infiltrate, filter, store, evaporate, and detain water close to its source; or

(iii) minimize the use of impervious surfaces in order to slow or infiltrate precipitation;

(L) suggest strategies for addressing increased sewage overflow problems due to changing storm dynamics and the impact of aging stormwater and wastewater infrastructure, population growth, and urban sprawl;

(M) promote environmental restoration projects that reestablish natural processes; and

(N) identify opportunities to promote existing or create regional planning, including opportunities to integrate climate change into water infrastructure and environmental conservation planning.

(c) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 8 members who shall be appointed, not later than 90 days after the date of enactment of this Act, as follows:

(A) 2 members appointed by the President.

(B) 2 members appointed by the Speaker of the House of Representatives from a list of 4 individuals—

(i) 2 nominated for that appointment by the chairman of the Committee on Transportation and Infrastructure of the House of Representatives; and

(ii) 2 nominated for that appointment by the chairman of the Committee Natural Resources of the House of Representatives.

(C) 2 members appointed by the majority leader of the Senate from a list of 4 individuals—

(i) 2 nominated for that appointment by the chairman of the Committee on Environment and Public Works of the Senate; and

(ii) 2 nominated for that appointment by the chairman of the Committee on Energy and Natural Resources of the Senate.

(D) One member appointed by the minority leader of the House of Representatives from a list of 2 individuals—

(i) one nominated for that appointment by the ranking member of the Committee on Transportation and Infrastructure of the House of Representatives; and

(ii) one nominated for that appointment by the ranking member of the Committee on Natural Resources of the Senate.

(E) 1 member appointed by the minority leader of the Senate from a list of 2 individuals—

(i) one nominated for that appointment by the ranking member of the Committee on Environment and Public Works of the Senate; and

(ii) one nominated for that appointment by the ranking member of the Committee on Energy and Natural Resources of the Senate.

(2) QUALIFICATIONS.—

(A) RECOGNIZED STANDING AND DISTINCTION.—Members shall be appointed to the Commission from among individuals who are of recognized standing and distinction in water policy issues.

(B) LIMITATION.—A person while serving as a member of the Commission may not hold any other position as an officer or employee of the United States, except as a retired officer or retired civilian employee of the United States.

(C) OTHER CONSIDERATIONS.—In appointing members of the Commission, every effort shall be made to ensure that the members represent a broad cross section of regional and geographical perspectives in the United States.

(3) CHAIRPERSON.—The Chairperson of the Commission shall be elected by a majority vote of the members of the Commission.

(4) TERMS.—Members of the Commission shall serve for the life of the Commission.

(5) VACANCIES.—A vacancy on the Commission shall not affect its operation and shall be filled in the manner in which the original appointment was made.

(6) COMPENSATION AND TRAVEL EXPENSES.—Members of the Commission shall serve without compensation; except that members shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57, United States Code.

(d) MEETINGS AND QUORUM.—

(1) MEETINGS.—The Commission shall hold its first meeting not later than 60 days after the date on which all original members are appointed under subsection (c) and shall hold additional meetings at the call of the Chairperson or a majority of its members.

(2) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(e) DIRECTOR AND STAFF.—

(1) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Speaker of the House of Representatives and the majority leader of the Senate, in consultation with the minority leader of the House of Representatives, the chairmen of the Committees on Resources and Transportation and Infrastructure of the House of Representatives, the minority leader of the Senate, and the chairmen of the Committee on Energy and Natural Resources and Environment and Public Works of the Senate.

(2) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates; except that an individual so appointed may not receive pay in excess of the annual rate of basic pay for GS–15 of the General Schedule.

(f) HEARINGS.—

(1) MINIMUM NUMBER.—The Commission shall hold no fewer than 10 hearings during the life of the Commission.

(2) IN CONJUNCTION WITH MEETINGS.—Hearings may be held in conjunction with meetings of the Commission.

(3) TESTIMONY AND EVIDENCE.—The Commission may take such testimony and receive such evidence as the Commission considers appropriate to carry out this section.

(4) SPECIFIED.—At least one hearing shall be held in Washington, District of Columbia, for the purpose of taking testimony of representatives of Federal agencies, national organizations, and Members of Congress. At least one hearing shall focus on potential water resource issues relating to climate change and how to mitigate the harms of climate change-related weather events.

(5) NONSPECIFIED.—Hearings, other than those referred to in paragraph (4), shall be scheduled in distinct geographical regions of the United States. In conducting such hearings, the Commission should seek to ensure testimony from individuals with a diversity of experiences, including those who work on water issues at all levels of government and in the private sector.

(g) INFORMATION AND SUPPORT FROM FEDERAL AGENCIES.—Upon request of the Commission, the head of a Federal department or agency shall—

(1) provide to the Commission, within 30 days of the request, such information as the Commission considers necessary to carry out this section; and

(2) detail to temporary duty with the Commission on a reimbursable basis such personnel as the Commission considers necessary to carry out this section.

(h) INTERIM REPORTS.—Not later than one year after the date of the first meeting of the Commission, and every year thereafter, the Commission shall submit an interim report containing a detailed summary of its progress, including meetings held and hearings conducted before the date of the report, to—

(1) the President; and

(2) Congress.

(i) FINAL REPORT.—As soon as practicable, but not later than 5 years after the date of the first meeting of the Commission, the Commission shall submit a final report containing a detailed statement of the findings and conclusions of the Commission and recommendations for legislation and other policies to implement such findings and conclusions to—

(1) the President;

(2) the Committee on Resources and the Committee on Transportation and Infrastructure of the House of Representatives; and

(3) the Committee on Energy and Natural Resources and the Committee on the Environment and Public Works of the Senate.

(j) TERMINATION.—The Commission shall terminate not later than 30 days after the date on which the Commission transmits a final report under subsection (h)(1).

(k) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App. 1 et seq.) shall not apply to the Commission.

(l) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $12,000,000 to carry out this section.

SEC. 703. IMPROVING HYDROPOWER CAPABILITIES.

(a) STUDY.—The Secretary of the Army shall conduct a study on the potential for reduced fossil fuel consumption through an increase in hydropower capabilities of the Corps of Engineers.

(b) CONTENTS.—The study shall include an examination of the potential for improving hydropower capabilities at dams owned or operated by the Corps of Engineers, including the ecological impacts of such capabilities.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall submit to Congress a report containing the results of the study conducted under this section.

SEC. 704. STUDY OF POTENTIAL IMPACTS OF CLIMATE CHANGE ON WATER RESOURCES AND WATER QUALITY.

(a) NATIONAL ACADEMY STUDY.—The Administrator of the Environmental Protection Agency shall enter into an arrangement with the National Academy of Sciences under which the Academy shall—

(1) identify the potential impacts of climate change on the Nation's water resources, watersheds, and water quality, including the potential for impacts to wetlands, shoreline erosion, and saltwater intrusion as a result of sea level rise, and the potential for significant regional variation in precipitation events to impact Federal, State, and local efforts to attain or maintain water quality;

(2) assess the extent to which Federal and State efforts under the Federal Water Pollution Control Act (33 U.S.C. 1251 et. seq.) and other ocean and coastal laws may be affected by climate change;

(3) identify prudent steps to assess emerging information and identify appropriate response actions to meet the requirements of such Act, including provisions to attain or maintain water quality standards and for adequate stream flows for wetlands and aquatic resources; and

(4) recommend, if necessary, potential legislative or regulatory changes to address impacts of global climate change on efforts to restore and maintain the chemical, physical, and biological integrity of the Nation's waters.

(b) RECOMMENDATIONS.—Not later than 2 years after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study under this section.

SEC. 705. IMPACTS OF CLIMATE CHANGE ON CORPS OF ENGINEERS PROJECTS.

(a) IN GENERAL.—The Secretary of the Army shall ensure that water resources projects and studies carried out by the Corps of Engineers after the date of enactment of this Act take into account the potential short and long term effects of climate change on such projects.

(b) CONSIDERATION.—In carrying out this section, the Secretary shall utilize a representative range of climate change scenarios, including the current analyses of the United States Climate Change Science Program and the Intergovernmental Panel on Climate Change.

(c) REPORT TO CONGRESS.—Not later than one year after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the implementation of this section.

Subtitle B—Emergency Management

SEC. 731. EFFECTS OF CLIMATE CHANGE ON FEMA PREPAREDNESS, RESPONSE, RECOVERY, AND MITIGATION PROGRAMS.

(a) STUDY.—The Administrator of the Federal Emergency Management Agency shall conduct a comprehensive study of the increase in demand for the Agency's emergency preparedness, response, recovery, and mitigation programs and services that may be reasonably anticipated as a result of an increased number and intensity of natural disasters affected by climate change, including hurricanes, floods, tornadoes, fires, droughts, and severe storms.

(b) CONTENTS.—The study shall include an analysis of the budgetary and personnel needs of meeting the increased demand for Agency services referred to in subsection (a).

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report and any legislative recommendations on the study conducted under this section.

PURPOSE OF THE LEGISLATION

H.R. 2701, the "Transportation Energy Security and Climate Change Mitigation Act of 2007", as amended, promotes energy efficient transportation and public buildings, creates incentives for the use of alternative fuel vehicles and renewable energy, and ensures sound water resource and natural disaster preparedness planning.

BACKGROUND AND NEED FOR LEGISLATION

According to the U.S. Environmental Protection Agency ("EPA"), 27.7 percent of the total greenhouse gas emissions produced by the United States come from the transportation sector, second only to electricity generation. The U.S. Department of Energy ("DOE") reports that the carbon dioxide emissions from the transportation sector grew 25.4 percent between 1990 and 2006, or an average of 1.4 percent each year.

The most recent DOE data show that transportation produces more metric tons of energy-related carbon dioxide than the residential and commercial sectors, and almost as much as the industrial sector. Nearly all of these transportation-related emissions come from the use of petroleum products. The transportation sector accounts for 68 percent of total U.S. petroleum consumption, and Americans used almost 14 million barrels of oil each day for transportation purposes in 2006.

The EPA reports that 60 percent of transportation emissions come from gasoline consumption through personal vehicles, with other transportation emissions coming from activities such as diesel fuel combustion in heavy-duty vehicles and jet fuel used in aircraft. As transportation continues to have a profound impact on climate change and the environment, the environment, in turn, will have an impact on our transportation systems. Rising oceans and dangerous weather patterns have the potential to damage our

transportation infrastructure and to disrupt daily commuting, travel, commerce, goods movement, and emergency response.

To confront this threat, the Federal Government has implemented a wide array of initiatives, including alternative fuels research and implementation; support for public transit and nonmotorized transportation; programs to improve water quality; air quality and to reduce congestion; and research on environmentally sound railroad technologies. In addition, the Department of Transportation ("DOT") has established the Center for Climate Change and Environmental Forecasting. H.R. 2701 offers the next steps to mitigate the negative impact the transportation sector has on the environment as well as provides effective measures to immediately reduce energy consumption by Federal buildings.

Center for climate change and environment

The Center for Climate Change and Environment was established within the Department of Transportation in 1999 and rechartered in 2004. It is charged with developing a coordinated approach to DOT's efforts to analyze and implement policies and strategies to reduce greenhouse gas emissions and mitigate climate change.

H.R. 2701 authorizes the Center to plan, coordinate, and implement Department-wide research, strategies, and actions to reduce transportation-related energy use and mitigate the effects of climate change. The bill also requires DOT to establish a clearinghouse to identify and track low-cost solutions to reducing transportation-related energy use, greenhouse gas emissions, and mitigate the effects of climate change.

Public and highway transportation

Public transportation use conserves energy, reduces oil dependence, and improves air quality. Current transit use reduces U.S. petroleum consumption by a total of 1.4 billion gallons of gasoline annually compared to single occupancy automobile use. Public transportation reduces pollution by producing 95 percent less carbon monoxide, more than 92 percent fewer volatile organic compounds ("VOCs") and nearly one-half as much carbon dioxide and nitrogen oxides ("NO_X") for every passenger mile traveled compared to traveling with private vehicles. Public transportation reduces annual emissions for pollutants that create smog, VOCs and NO_X, by more than 70,000 tons and 27,000 tons respectively compared to single occupancy automobile use.

Most rail transit vehicles emit little or no pollution because they are electrically propelled. Most buses, ferryboats and commuter rail locomotives increasingly use cleaner alternative fuels. If Americans rode transit at the rate of 10 percent of daily travel, the U.S. would reduce its dependence on oil imported from the Persian Gulf by more than 40 percent.

H.R. 2701 authorizes funds to allow transit agencies to provide incentives for commuters to choose transit options and increases the Federal share for alternative fuel transit bus, ferry, or locomotive-related equipment and facilities. The bill also ensures that rescissions of Federal Highway Program contract authority are implemented by the states proportionally.

Railroad and pipeline transportation

In the past 26 years, railroads have made significant fuel efficiency gains. In 2006, one gallon of diesel moved one ton of freight an average of 414 miles: a 76 percent improvement since 1980. This increased fuel efficiency is due to a number of steps taken by the railroad industry including new, high horsepower locomotives, improved information technology systems, reduced idling, and new locomotive crew training programs.

Promoting railroad use of new technologies will alleviate highway congestion and increase fuel savings. A single intermodal train can take up to 280 trucks (the equivalent of more than 1,100 cars) off our highways. The American Association of State Highway and Transportation Officials reports that moving one percent of the long-haul freight from truck to rail could realize fuel savings of approximately 110 million gallons per year and reduce annual greenhouse gas emission by 1.3 million tons. If 10 percent of long-haul freight now moving by truck was transported by rail, annual greenhouse gas emissions would fall by nearly 13 million tons.

Pipelines also present an opportunity for the United States to reduce its greenhouse gas emissions and fuel consumption. Improving the ability of pipelines to transport fuels at a higher pressure than they are currently able can promote greater utilization of pipeline transportation, thereby reducing the demand to transport such fuels by truck.

H.R. 2701 authorizes funds for the purchase of fuel efficient locomotives, provides capital grants for regional and short line railroads to improve their tracks for greater efficiency, and directs the Secretary of Energy and the Secretary of Transportation to conduct feasibility studies for the construction of ethanol pipelines.

Maritime transportation

The U.S. maritime transportation system can reduce pollutants that contribute to global warming by transporting cargo more efficiently and by reducing the emissions that originate in U.S. ports. Short sea transportation is an intermodal service that combines marine and one or more other connecting modes of transportation such as trucks and trains. Greater use of short sea transportation is in the national interest because it helps mitigate congestion on U.S. road and rail infrastructure and reduces related environmental impacts. The U.S. is expected to import 30 million containers in 2010, and 40 million containers annually by 2020. Existing transportation infrastructure cannot handle this growth.

H.R. 2701 establishes a Short Sea Shipping Transportation Program to mitigate landside congestion. The bill also establishes a Green Ports Initiative and implements Annex VI to the International Convention for the Prevention of Pollution from Ships ("MARPOL") which sets limits on Sulfur Oxide and Nitrogen Oxide emissions from ship exhausts and prohibits deliberate emissions of ozone-depleting substances.

Aviation

As demand for aviation services continues to grow, so too does aviation's impact on the environment. The Federal Aviation Administration ("FAA") forecasts that airlines are expected to carry more

than one billion passengers by 2015, increasing from approximately 744 million in 2006.

H.R. 2701 establishes the CLEEN Engine and Airframe Technology Partnership to encourage the development, maturing and certification of continuous lower energy, emissions and noise ("CLEEN") engine and airframe technology. In addition, the bill authorizes the FAA to initiate a pilot program to fund six projects at public-use airports that will take promising environmental research concepts that have been proven in the laboratory into the actual airport environment for demonstration.

Public buildings

The Public Building Service ("PBS"), within the General Services Administration, is the largest public real estate organization in the country. PBS has an inventory of over 342 million square feet of workspace for approximately 1.1 million Federal employees located in 2,100 communities. This inventory comprises more than 1,500 government-owned buildings, or approximately 51 percent of GSA's total inventory. The remaining 49 percent of government office space is in privately-owned facilities, leased by GSA.

H.R. 2701 directs the Administrator of General Services to install energy efficient lighting fixtures and light bulbs in newly-constructed or newly-renovated Federal buildings, and use energy efficient and renewable energy systems in Federal buildings to reduce the energy consumption.

Water resources

Climate change could negatively impact water resources as well as water infrastructure. The U.S. Government's interagency climate research program, the U.S. Global Change Research Program, has stated: "In many cases and in many locations, there is compelling scientific evidence that climate changes will pose serious challenges to our water systems."

H.R. 2701 establishes the 21st Century Water Commission to provide expert scientific guidance on future water supply and demand projections, climate change impacts to our Nation's flood risk and water demand, and associated climate change impacts on water quality. The bill also authorizes studies on how climate change will affect water quality and on the potential for increased hydropower.

SUMMARY OF THE LEGISLATION

Section 1. Short title and table of contents

Section 1 cites the short title of the bill as the "Transportation Energy Security and Climate Change Mitigation Act of 2007", and sets out the table of contents for the bill.

Section 2. Findings and purpose

Section 2 lists the findings and purposes of the Act. Evidence that atmospheric warming and climate change are occurring is unequivocal and our nation's resources are under increasing stress as a result. Transportation and buildings are among the leading sources of greenhouse gas emissions. The purpose of this Act is to strengthen our nation's energy security and mitigate the effects of

climate change by promoting energy efficient transportation and public buildings, creating incentives for the use of alternative fuel vehicles and renewable energy, and ensuring sound water resource and natural disaster preparedness planning.

TITLE I—DEPARTMENT OF TRANSPORTATION

Section 101. Center for Climate Change and the Environment

Subsection (a) authorizes the Department of Transportation's Center for Climate Change and Environment to plan, coordinate, and implement Department-wide research, strategies, and actions to reduce transportation-related energy use and mitigate the effects of climate change. This subsection requires the Center to establish a clearinghouse to identify and track low-cost solutions to reducing transportation-related energy use, greenhouse gas emissions, and mitigate the effects of climate change.

Subsection (b) requires the Center for Climate Change and Environment to conduct a study to examine the fuel efficiency savings and clean air impacts of major transportation projects; and to identify low-cost solutions to reducing congestion and transportation-related energy use and mitigating the effects of climate change. The study also shall examine the effects of railroad pricing on moving freight from rail to roadways. This subsection requires the Secretary of Transportation to report to the Committee on Transportation and Infrastructure within one year of enactment of the Act regarding low-cost solutions identified in the study.

Subsection (c) authorizes such sums as may be necessary to the Secretary of Transportation for the Center for Climate Change and Environment for fiscal years 2008 to 2011.

TITLE II—HIGHWAYS AND TRANSIT

SUBTITLE A—PUBLIC TRANSPORTATION

Section 201. Grants to improve public transportation services

Section 201 authorizes $850 million from the General Fund for each of fiscal years 2008 and 2009 to allow urban and rural transit agencies to temporarily reduce transit fares and expand transit services. These funds will allow transit agencies to provide incentives for commuters to choose transit options, thereby reducing our nation's transportation-related energy consumption and reliance on foreign oil, as well as decreasing its greenhouse gas emissions. Grants made under this program will have a 100 percent Federal share.

Section 202. Increased Federal share for clean air act compliance

Section 202 increases the Federal share for clean fuel and alternative fuel transit bus, ferry, or locomotive-related equipment or facilities from 90 percent under current law to 100 percent of the net project cost for fiscal years 2008 and 2009.

Section 203. Commuter rail transit enhancement

Section 203 establishes a forum for the mediation of disputes between public transportation authorities and freight railroads at the Surface Transportation Board. The majority of commuter rail systems use rights-of-way owned by private freight railroads for their

operations. As the level of freight traffic grows, public transportation authorities and freight railroads are finding it increasingly difficult to reach mutually satisfactory agreements regarding commuter rail service. The lack of a suitable forum for negotiating commuter rail agreements often has hindered vital public transportation services, thus it is critical that procedures be established to assure that both freight and passenger needs can be achieved in a way that is fair, timely and reasonable. This section establishes the Surface Transportation Board as a forum at which either commuter or freight railroads may appeal for adjudication of access issues.

SUBTITLE B—FEDERAL AID HIGHWAYS

Section 251. Increased Federal share for CMAQ projects

Section 251 increases the Federal commitment to congestion mitigation and air quality improvement projects by increasing the Federal share for grants under the Congestion Mitigation Air Quality ("CMAQ") program from 80 percent under current law to 100 percent of the net project cost. The section will assist regions in complying with the Clean Air Act and reducing transportation-related emissions.

Section 252. Distribution of rescissions

Section 252 requires States to implement future rescissions of unobligated Federal-Aid Highway program contract authority proportional to the programmatic allocation received in a given fiscal year, if there is unobligated contract authority available to meet the rescission requirements. States have chosen to apply pervious rescissions disproportionately to cut contract authority for the Congestion Mitigation and Air Quality Improvement ("CMAQ") program and Transportation Enhancement program funds. Both of these programs provide significant environmental benefits.

CMAQ funds represent only about four or five percent of highway apportionments each year. Yet, CMAQ funds have accounted for about 20 percent of total highway funds rescinded in recent years. Comparing the treatment of CMAQ to other highway programs illustrates the disproportionate cuts of these rescissions. In fiscal year 2006, rescissions as a percentage of the total amount made available for programs are:

	Percent
CMAQ	55
Interstate Maintenance	12
National Highway System	7

The Transportation Enhancements program has received similar treatment under recent rescissions. In fiscal year 2006, states rescinded $602 million in Transportation Enhancement funds, which represents 15 percent of all rescissions in that year.

States currently have significant flexibility in implementing the highway programs to meet their respective priorities. The practice of targeting specific highway programs for disproportionate burdens to meet rescission requirements undermines modal choice and the intent of Congress in creating those programs.

Section 253. Sense of Congress regarding use of complete streets design techniques

Section 253 encourages State and local governments to employ "complete streets" policies. Complete streets are streets designed to accommodate all users of a variety of modes of transportation, including environmentally friendly options such as public transit, walking, and bicycling.

TITLE III—RAILROAD AND PIPELINE TRANSPORTATION

Section 301. Green locomotive grant program

Section 301 requires the Secretary to establish a grant program to incentivize railroad carriers and State and local governments to purchase locomotives that exceed Environmental Protection Agency ("EPA") emission standards. In awarding the grants, the Secretary must consider (1) the identified need for such locomotives in the areas served by the applicant; (2) the benefits of the emission reductions of the proposed project; and (3) the extent to which the applicant demonstrates innovative strategies and a financial commitment to increasing energy efficiency and reducing greenhouse gas emissions of its railroad operations. The section authorizes $50 million in appropriations for each of fiscal years 2008 though 2011 to carry out this program.

Section 302. Capital grants for railroad track

Subsection (a) directs the Secretary to establish a capital grant program to assist regional and short line railroads in rehabilitating, preserving, or improving railroad track used primarily for the safe and efficient transportation of freight traffic.

Subsection (b) sets the maximum Federal share for carrying out a project under the section to be 80 percent of the project cost.

Subsection (c) limits the eligibility for assistance under the section to tracks that have been operated or owned by a class II or class III railroad.

Subsection (d) requires that grants provided in the section be used to implement track capital projects as soon as possible.

Subsection (e) requires the Secretary to ensure as a condition of any grant made under this section that the recipient railroad provide a fair arrangement at least as protective of the interests of employees who are affected by the project to be funded with the grant as terms imposed under section 11326(a) of Title 49, as in effect on the date of the enactment of this Chapter.

Subsection (f)(1) requires the Secretary to ensure that laborers and mechanics employed by contractors and subcontractors in construction work financed by a grant made under this section will be paid prevailing wages. The Secretary shall make a grant under this section only after being assured that required labor standards will be maintained on the construction work. Subsection (f)(2) states that wage rates in a collective bargaining agreement negotiated under the Railway Labor Act (45 U.S.C. 151 et seq.) are deemed for purposes of this subsection to comply with subchapter IV of Chapter 31 of Title 40.

Subsection (g) directs the Secretary of Transportation to conduct a study of the projects carried out with funds under the section and report to Congress by March 31, 2009.

Subsection (h) authorizes $250 million in appropriations for each of fiscal years 2008 through 2011 to carry out this capital grant program.

Section 311. Feasibility studies

Section 311 directs the Secretary of Energy, in coordination with the Secretary of Transportation, to conduct feasibility studies for the construction of pipelines dedicated to the transportation of ethanol. The studies will include consideration of the barriers to constructing pipelines dedicated to the transportation of ethanol; market risk; regulatory, and financing options that would mitigate any risk; methods to ensure safe transportation of ethanol and preventative measures to ensure pipeline integrity; and any other factor the Secretary of Energy considers appropriate. This section authorizes appropriations of $1 million for each of fiscal years 2008 and 2009 to carry out this section.

TITLE IV—MARITIME TRANSPORTATION

SUBTITLE A—GENERAL PROVISIONS

Section 401. Short sea transportation initiative

Subsection (a) amends Title 46 of the United States Code by adding Chapter 556, creating sections 55601–55606. Section 55601 requires the Secretary of Transportation to establish a short sea transportation program and to designate short sea transportation projects to mitigate landside congestion. This section also requires the Secretary to designate short sea transportation routes as extensions of the surface transportation system to relieve landside congestion along coastal routes. The Secretary will designate projects if the project offers a waterborne alternative to available landside transportation and provide for transportation services for passengers or freight (or both) that may reduce congestion. The section requires that the Secretary, in consultation with other Federal agencies and state and local governments, develop strategies to encourage the use of short sea transportation of passengers and cargo and to encourage state departments of transportation to develop strategies to incorporate short sea transportation and other marine transportation solutions into their regional and interstate transportation plans.

Section 55602 requires the Secretary of Transportation to enter into memorandums or understanding with the heads of other Federal agencies to transport federally owned or generated cargo using a short sea transportation project. This section also requires the Secretary of Transportation to develop proposals for short-term incentives to encourage the use of short sea transportation. Section 55603 establishes a new loan guarantee program for the construction, reconstruction, or reconditioning of a vessel that will be used for a short sea shipping project. The terms and conditions that apply to loan guarantees made under Chapter 537 of Title 46, United States Code, shall apply to loan guarantees made under this new loan guarantee program. The section limits the total obligations that may be issued for loan guarantees for short sea transportation projects to $2 billion. The section authorizes $25 million for these projects for each of fiscal years 2008 through 2011. Section 55604 requires the Secretary of Transportation to establish a

board, comprised of Federal, State, local, and private sector representatives, to identify and seek solutions to impediments hindering effective use of short sea transportation. Section 55605 authorizes the Secretary to conduct research on short sea transportation. Section 55606 defines the term "short sea transportation".

Subsection (b) includes a clerical amendment to reflect the addition of the new section in Title 46 in the table of contents.

Subsection (c) requires the Secretary of Transportation to issue temporary regulations to implement the requirements of subsection (a) by December 31, 2007, and to issue final regulations by October 1, 2008.

Section 402. Short sea shipping eligibility for Capital Construction Fund

Section 402 amends the Capital Construction Fund ("CCF") program so that vessels engaged in short sea transportation are eligible to participate in this program. CCF is a tax deferral program that allows a vessel owner to deposit funds into the account and defers the taxation on the earnings in the account if the owner uses the funds to build a vessel for short sea transportation. The deferred taxation is recaptured by decreasing the depreciable base of the vessel by the amount of CCF funds used to purchase the vessel.

Section 403. Report

Section 403 requires the Secretary of Transportation to submit to Congress a report on the short sea transportation program that was established by Section 401 and to recommend any further legislative or administrative actions that the Secretary considers appropriate.

Section 404. Green Ports Initiative

Section 404 establishes a Green Ports Initiative to promote the use of technologies in U.S. ports and shipyards to reduce air emissions including particulate matter, nitrogen oxides, sulfur oxides, and carbon monoxides. For example, the program may include the use of electric and low- emission vehicles for cargo handling equipment in a port. It may also include the use of electric shore power so ships will not need to keep their auxiliary engines operating when in port.

This section authorizes the Secretary of Transportation to provide grants and low-cost revolving loans, up to $1 million per loan, on a competitive basis to ports to significantly reduce emissions. The grants and loans shall be prioritized by the Secretary based on projects that will remove the largest amount of pollutants for each dollar provided in the grant or loan. For example, a port, terminal operator, or shipyard may use the grant or loan to repower or buy new diesel engines for their equipment that significantly reduces emissions. The section authorizes $25 million for each of fiscal years 2008 through 2011 for loans and grants made under this section.

SUBTITLE B—MARITIME POLLUTION

Section 451. References

Section 451 clarifies that any reference to a section or other provision within Subtitle B refers to a section or other provision of the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.).

Section 452. Definitions

Section 452 adds a definition of "Administrator" to title 33 U.S.C. 1901 and makes several conforming changes to existing law to reflect the adoption of the International Convention for the Prevention of Pollution from Ships ("MARPOL") Annex VI.

Section 453. Applicability

Section 453 establishes applicability for vessel air emission regulations issued under section 4 of the Act to Prevent Pollution from Ships. Under the section, U.S. vessels and foreign vessels that are operating in the territorial sea, in emission control areas, and in areas designated by the Administrator, in consultation with the Secretary of the department in which the Coast Guard is operating, would be required to comply with vessel air emission regulations that are issued by the Coast Guard and EPA.

The section applies Annex VI to the U.S. Exclusive Economic Zone to the extent that this is consistent with international law. The section also authorizes, but does not require, heads of each Federal department or agency to determine that some or all of the requirements apply regarding vessel air emissions for public vessels operated under that department or agency's authority. Section 17 of the Act to Prevention Pollution from Ships already states that any action taken under that Act must be taken in accordance with international law. Therefore, this limitation also applies to the amendments to the Act.

Under MARPOL Annex VI, signatory nations are only required to apply vessel air emission standards regarding nitrogen oxide to vessels with marine engines rated above 130 kilowatts, or 175 horsepower. The Committee does not intend to apply standards under MARPOL Annex VI to any vessel equipped with an engine below this threshold.

Section 454. Administration and enforcement

Section 454 requires the Secretary of the department in which the Coast Guard is operating and the Administrator of the Environmental Protection Agency to prescribe regulations to carry out Annex VI of the MARPOL Convention. In accordance with Annex VI, the section also prohibits any standard regarding the emission of volatile organic compounds from vessels from taking effect until six months after the International Maritime Organization has been notified that such standards have been established. Section 455 prohibits any person other than the Administrator of the Environmental Protection Agency ("EPA") from issuing an Engine International Air Pollution Prevention Certificates on behalf of the United States for U.S.-flag vessels and requires that such certificates are issued consistently with regulations and requirements under the Clean Air Act.

Section 455. Certificates

Section 455 requires that each vessel greater than 400 gross tons and each offshore terminal be issued an International Air Pollution Prevention Certificate to certify that the equipment in the vessel is in compliance with all applicable requirements under MARPOL Annex VI, and an Engine International Air Pollution Prevention Certificate to certify that each engine or engine group is in compliance with NO_X standards under Regulation 13 of Annex VI to the Convention. This section also includes language that recognizes, for purposes of compliance under U.S. law, a certificate issued by another nation that is party to the MARPOL protocol. Section 5(b) of the Act to Prevent Pollution from Ships states that "[a] certificate issued by a country which is a party to the MARPOL Protocol has the same validity as a certificate issued by the Secretary under the authority of the MARPOL protocol." This subsection also applies to certificates issued by foreign governments under MARPOL Annex VI.

Section 456. Reception facilities

Section 456 requires the Secretary of the department in which the Coast Guard is operating or the EPA Administrator to prescribe regulations that require ports and terminals to provide or ensure the availability of adequate reception facilities for ozone depleting substances, equipment containing such substances and exhaust cleaning residues. The section also authorizes the Coast Guard to deny a vessel entry into a port or terminal that, in the Coast Guard's determination, is not in compliance with such regulations.

Section 457. Inspections

Section 457 authorizes the Coast Guard to carry out inspections to verify that vessels are in compliance with requirements under MARPOL Annex VI and to carry out enforcement actions for violations of such requirements and regulations.

Section 458. Amendment to the protocol

Section 458 makes a conforming change to current law to reflect the adoption of MARPOL Annex VI.

Section 459. Penalties

Section 459 authorizes the Administrator of EPA, in addition to the Coast Guard, to assess civil penalties for violations of Annex VI.

Section 460. Effect on other laws

Section 460 includes language that clarifies that authorities, requirements, and remedies that are provided under the Act to Prevent Pollution from Ships do not amend or repeal any authorities, requirements, and remedies provided under any other provision of law, including the Clean Air Act of 1990 and the rights of States under that Act.

TITLE V—AVIATION

Section 501. CLEEN Engine and Airframe Technology Partnership

Subsection (a) amends Chapter 475 of Title 49 of the United States Code by adding section 47511. The subsection directs the FAA to enter into a ten-year cooperative agreement using a competitive process, with an institution, entity, or consortium to carry out a program for the development, maturing, and certification of CLEEN engine and airframe technology.

Subsection (b) defines CLEEN as continuous lower energy, emissions, and noise engine and airframe technology.

Subsection (c) sets the goals of the CLEEN engine and airframe technology partnership as: (1) Development of certifiable aircraft technology that reduces greenhouse gas emissions by increasing aircraft fuel efficiency by 25 percent relative to 1997 subsonic jet aircraft technology; (2) development of certifiable engine technology that reduces landing and takeoff cycle nitrogen oxide emissions by 50 percent, without increasing other gaseous or particle emissions, over the International Civil Aviation Organization standard adopted in 2004; (3) development of certifiable aircraft technology that reduces noise levels by 10 decibels at each of the 3 certification points relative to 1997 subsonic jet aircraft technology; (4) determination of the feasibility of the use of alternative fuels in aircraft systems, including successful demonstration and quantification of the benefits of such fuels; and (5) determination of the extent to which new engine and aircraft technologies may be used to retrofit or re-engine aircraft to increase the integration of retrofitted and re-engined aircraft into the commercial fleet.

Subsection (d) creates a research program to develop jet fuel from clean coal and designates by a competitive process an institution known as the Center of Excellence for Coal to Jet Fuel Research to work in collaboration with Federal agencies and educational and research institutions, through grants or other measures as described in 106(l)(6) of title 49, United States Code. The subsection includes language to allow as a purpose of the program the capture and sequestration of the carbon dioxide produced in the conversion process of coal to jet fuel.

Subsection (e) authorizes $111 million for the cooperative agreement.

Subsection (f) authorizes the FAA Administrator to publish an annual report on the program established under this section, beginning in 2009 through the completion of the program.

Section 502. Environmental mitigation demonstration pilot program

Section 502 establishes a pilot program to allow the FAA to fund six projects at public-use airports that would take promising environmental research concepts that have been proven in the laboratory into the actual airport environment for demonstration. Eligible projects would demonstrate whether research would measurably reduce or mitigate aviation impacts on noise, air quality or water quality in the airport environment. Grants will be awarded based on the greatest reductions in aircraft noise, airport emissions, or water quality impacts. This section authorizes up to $2.5 million per project, and the Federal share for each project is 50 percent.

TITLE VI—PUBLIC BUILDINGS

SUBTITLE A—GENERAL SERVICES ADMINISTRATION

Section 601. Public building energy efficient and renewable energy systems

Subsection (a) amends section 3307(b) of the Public Buildings Act (40 U.S.C. 601–619) by inserting new paragraph (7). The paragraph requires the Administrator of General Services to include in any prospectus of a proposed facility being transmitted to Congress for approval an estimate of future energy performance of the building or space and a specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems.

Subsection (b) amends section 3307 of the Public Buildings Act by adding subsection (f). The subsection authorizes the Administrator of General Services to include minimum performance requirements requiring energy efficiency and use of renewable energy in leased space.

Subsection (c) amends Chapter 33 of Title 40, United States Code, by adding new section 3313. Section 3313(a) directs the Administrator of General Services to equip each public building significantly altered or constructed, to the maximum extent practicable, with lighting fixtures and bulbs that are energy efficient. Section 3313(b) directs the Administrator of General Services in normal routine maintenance to replace lighting fixtures or bulbs with energy efficient lighting fixtures and bulbs. Section 3313(c) authorizes the Administrator of General Services in making a determination under this section to consider lifecycle costing, equipment compatibility, aesthetics, and productivity. Section 3313(d) identifies a lighting fixture or bulb to be energy efficient if the fixture or bulb is certified under the Energy Star Program or the Administrator determines the fixture or bulb to be energy efficient. Section 3313(e) identifies significantly altered buildings as buildings that require a prospectus under section 3307. Section 3313(f) establishes an effective date for the requirement in this section to take effect as of one year after enactment.

Subsection (d) amends Chapter 33 of Title 40 by adding section 3314, which authorizes the Administrator of General Services to sign utility contracts for a period of not more than 30 years. The 30-year time frame allows GSA more time to hedge against increasing electricity prices in the market.

Subsection (e) amends section 3310 of the Public Buildings Act by inserting a new section 3 that authorizes the Administrator of General Services to include in any solicitation for a lease requiring a prospectus required under section 3307 of title 40 an evaluation factor that considers the extent to which the offeror will promote energy efficiency and use renewable energy.

Section 602. Public buildings life-cycle costs

Section 602 amends the National Energy Conservation Policy Act by extending the life-cycle cost calculation period from 25 years to 40 years.

Section 603. Installation of photovoltaic system at Department of Energy headquarters

Subsection (a) directs the Administrator of General Services to install a photovoltaic system for the headquarters building of the Department of Energy located at 1000 Independence Avenue, S.W., Washington, DC.

Subsection (b) makes available from the Federal Building Fund, established by section 592 of Title 40, $30 million to carry out this section.

SUBTITLE B—COAST GUARD

Section 631. Prohibition of incandescent lamps by Coast Guard

Subsection (a) prohibits the purchase or installation of incandescent lamps in a Coast Guard facility by or on behalf of the Coast Guard except as provided in subsection (b).

Subsection (b) authorizes the purchase, installation, or use of a general service incandescent lamp for a Coast Guard facility whenever the application of a general service incandescent lamp is necessary due to purpose or design, including medical, security, and industrial applications; reasonable due to the architectural or historical value of a light fixture installed before January 1, 2009; or the Commandant of the Coast Guard determines that operational requirements necessitate the use of a general service incandescent lamp.

Subsection (c) defines the term "facility" to exclude a vessel or aircraft of the Coast Guard.

SUBTITLE C—ARCHITECT OF THE CAPITOL

Section 651. Capitol complex photovoltaic roof feasibility study

Subsection (a) authorizes the Architect of the Capitol to perform a feasibility study regarding construction of a photovoltaic roof on the Rayburn House Office Building.

Subsection (b) requires the Architect of the Capitol to transmit to the Committee on Transportation and Infrastructure a report on the results of the feasibility study and recommendations regarding the construction of a photovoltaic roof on top of the Rayburn House Office Building.

Subsection (c) authorizes such sums as necessary to carry out this section in fiscal year 2008.

Section 652. Capitol complex E–85 refueling station

Subsection (a) authorizes the Architect of the Capitol to construct a fuel tank and pumping system for E–85 fuel at or within close proximity to the Capitol Grounds Fuel Station.

Subsection (b) authorizes the E–85 fuel tank and pumping system to be available for use by all legislative branch vehicles capable of operating with E–85 fuel, provided that any legislative branch vehicles that use the system reimburse the Architect of the Capitol.

Subsection (c) authorizes such sums as necessary to carry out this section in FY 2008.

Section 653. Energy and environmental measures in Capitol Complex Master Plan

Subsection (a) authorizes the Architect of the Capitol, to the maximum extent practicable, to include energy efficient measures, climate change mitigation measures, and other appropriate environmental measures in the Capitol Complex Master Plan.

Subsection (b) requires the Architect of the Capitol to transmit a report on the energy efficiency measures, climate change mitigation measures, and other appropriate environmental measures included in the Capitol Complex Master Plan to the Committee on Transportation and Infrastructure and the Committee on Rules and Administration of the Senate.

Section 654. Capitol power plant

Subsection (a) authorizes the Architect of the Capitol, for the purposes of reducing carbon dioxide emissions, to install technologies for the capture and storage or use of carbon dioxide emitted from the Capitol power plant as a result of burning coal.

Subsection (b) defines the Capitol Power Plant as the power plant constructed in the vicinity of the Capitol Complex in the District of Columbia pursuant to the Act of April 28, 1904 and designated under 2 U.S.C. 2162.

TITLE VII—WATER RESOURCES AND EMERGENCY MANAGEMENT PREPAREDNESS

SUBTITLE A—WATER RESOURCES

Section 701. Policy of the United States

Section 701 establishes a national policy for the construction and management of Federal water resources projects.

Section 702. 21st Century Water Commission

Section 702 establishes the 21st Century Water Commission to provide expert scientific guidance on future water supply and demand projections, climate change impacts to our Nation's flood risk and water demand, and associated climate change impacts on water quality. The section creates a "21st Century Water Commission" to study current Federal, State, and local water resources management programs and activities, and to ensure that the nation is adequately prepared to meet the water supply, water quality, and water resources demands of the next 50 years.

Section 703. Improving hydropower capabilities

Section 703 directs the U.S. Army Corps of Engineers to study the potential for increased hydropower at existing U.S. Army Corps of Engineers facilities. The section directs the Corps of Engineers to undertake a study of potential increased hydropower generating capabilities at existing Corps facilities and report to Congress within one year regarding the findings.

Section 704. Study of potential impacts of climate change on water resources and water quality

Subsection (a) directs the Administrator of the U.S. Environmental Protection Agency to enter into an arrangement with the

National Academy of Sciences to study the potential effects of climate change on water quality, and to recommend appropriate responses to address potential effects of climate change on water quality, and to recommend appropriate responses to address potential impacts of climate change on water quality, watersheds, and water resources.

Subsection (b) requires the EPA Administrator to transmit to Congress a report on the results of the study under this section within two years.

Section 705. Impacts of climate change on Corps of Engineers projects

Section 705 directs the Secretary of the Army to ensure that all future water resources projects and studies take into account the potential short-term and long-term effects of climate change, and to report to the House and Senate authorizing committees with one year of the Corps implementation of the section.

SUBTITLE B—EMERGENCY MANAGEMENT

Section 731. Effects of climate change on FEMA preparedness, response, recovery, and mitigation programs

Section 731 requires the Administration of the Federal Emergency Management Agency to conduct a comprehensive study of the increase in demand for the Agency's emergency preparedness, response, recovery, and mitigation programs and services that may be reasonably anticipated as a result of an increased number and intensity of natural disasters affected by climate change. The section requires that the study include an analysis of the budgetary and personnel needs of meeting the increased demand for Agency services. The section requires the Administrator to submit a report, within one year, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate with any legislative recommendations on the study conducted under the section.

LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

In the 110th Congress, the Committee on Transportation and Infrastructure held a hearing on "Administration Proposals on Climate Change and Energy Independence" on May 11, 2007. On May 13, 2007, Chairman James L. Oberstar introduced H.R. 2701, the "Transportation Energy Security and Climate Change Mitigation Act of 2007".

On May 16, 2007, the Committee on Transportation and Infrastructure held a hearing on "Climate Change and Energy Independence: Transportation and Infrastructure Issues". On June 14, 2007, the Committee met in open session to consider H.R. 2701. Chairman James L. Oberstar postponed further proceedings on the bill to allow for adequate time to consider amendments.

On June 20, the Committee met in open session to consider H.R. 2701. The Committee adopted five amendments to H.R. 2701, five amendments were adopted by voice vote. In addition, the Committee adopted an amendment in the nature of a substitute to an amendment by recorded vote. The Committee adopted an amend-

ment, by voice vote, requiring the Center for Climate Change within the Department of Transportation to study the environmental impact of railroad pricing schemes. The Committee adopted an amendment, by voice vote, requiring the Surface Transportation Board ("STB") to conduct commuter rail mediations in a manner consistent with the non-binding procedures the STB currently has in place for freight rail mediations. The Committee adopted an amendment, by voice vote, creating a research program to develop jet fuel from clean coal. The Committee adopted an amendment, by voice vote, after adopting an amendment in the nature of a substitute by recorded vote, directing the Architect of the Capitol to install technologies to store carbon dioxide or use carbon dioxide. The Committee adopted an amendment, by voice vote, directing the 21st Century Water Commission to suggest strategies for avoiding an increased mandate on State and local governments.

The Committee on Transportation and Infrastructure order the bill, as amended, reported favorably to the House by voice vote with a quorum present.

RECORD VOTES

Clause 3(b) of rule XIII of the House of Representatives requires each committee report to include the total number of votes cast for and against on each roll call vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were three recorded votes taken in connection with amendments to H.R. 2701. The Committee ordered H.R. 2701, as amended, reported favorably to the House by voice vote with a quorum present.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
FULL COMMITTEE – ROLL CALL
U.S. HOUSE OF REPRESENTATIVES – 110th CONGRESS

Number of Members: 75 (41/34) Quorum: 38 Working Quorum: 25
Date: 06/20/2007 Presiding: Oberstar Convened: 11:12am Adjourned: 3:56 Clerk: tgm
Amendment or matter voted on: Graves amendment (007)
Vote: 29 yeas – 37 nays

	Yeas	Nays	Present		Yeas	Nays	Present
Mr. Altmire		x		*Mr. Johnson (IL)*	x		
Mr. Arcuri				Mr. Kagen		x	
Mr. Baird		x		*Mr. Kuhl*	x		
Mr. Baker	x			Mr. Lampson			
Mr. Bishop		x		Mr. Larsen		x	
Mr. Boozman	x			*Mr. LaTourette*	x		
Mr. Boswell		x		Mr. Lipinski		x	
Mr. Boustany	x			*Mr. LoBiondo*		x	
Mr. Braley				*Mr. Mack*	x		
Ms. Brown (FL)		x		Mrs. Matsui		x	
Mr. Brown (SC)	x			Mr. McNerney		x	
Mr. Buchanan	x			*Mr. Mica*	x		
Ms. Capito	x			Mr. Michaud		x	
Mr. Capuano		x		*Ms. Miller (MI)*	x		
Mr. Carnahan		x		*Mr. Miller (CA)*	x		
Mr. Carney		x		Mr. Mitchell		x	
Ms. Carson		x		*Mr. Moran*	x		
Mr. Coble	x			Mr. Nadler		x	
Mr. Cohen		x		Mrs. Napolitano		x	
Mr. Costello		x		Ms. Norton		x	
Mr. Cummings		x		*Mr. Petri*	x		
Mr. DeFazio		x		*Mr. Platts*	x		
Mr. Dent	x			*Mr. Poe*	x		
Mr. Diaz-Balart	x			Mr. Rahall		x	
Ms. Drake	x			*Mr. Reichert*			
Mr. Duncan				Mr. Salazar	x		
Mr. Ehlers	x			*Ms. Schmidt*	x		
Ms. Fallin				Mr. Shuler		x	
Mr. Filner				*Mr. Shuster*	x		
Mr. Gerlach		x		Mr. Space		x	
Mr. Gilchrest	x			Mrs. Tauscher		x	
Mr. Graves		x		Mr. Taylor	x		
Mr. Hall		x		Mr. Walz		x	
Mr. Hayes	x			*Mr. Westmoreland*			
Mr. Higgins		x		*Mr. Young*	x		
Ms. Hirono		x		Mr. Oberstar, Chairman		x	
Mr. Holden		x		Vacancy			
Ms. Johnson (TX)		x					

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
FULL COMMITTEE – ROLL CALL
U.S. HOUSE OF REPRESENTATIVES – 110th CONGRESS

Number of Members: 75 (41/34) Quorum: 38 Working Quorum: 25
Date: 06/20/2007 Presiding: Oberstar Convened: 11:12am Adjourned: 3:56pm Clerk: tgm
Amendment or matter voted on: Norton substitute to the Dent amendment (027) to H.R. 2701
Vote: 39 yeas – 29 nays

	Yeas	Nays	Present		Yeas	Nays	Present
Mr. Altmire		x		*Mr. Johnson (IL)*			
Mr. Arcuri	x			Mr. Kagen	x		
Mr. Baird	x			*Mr. Kuhl*		x	
Mr. Baker		x		Mr. Lampson			
Mr. Bishop	x			Mr. Larsen	x		
Mr. Boozman		x		*Mr. LaTourette*		x	
Mr. Boswell	x			Mr. Lipinski	x		
Mr. Boustany		x		*Mr. LoBiondo*		x	
Mr. Braley	x			*Mr. Mack*		x	
Ms. Brown (FL)	x			Mrs. Matsui	x		
Mr. Brown (SC)	x			Mr. McNerney	x		
Mr. Buchanan		x		*Mr. Mica*		x	
Ms. Capito				Mr. Michaud	x		
Mr. Capuano	x			*Ms. Miller (MI)*		x	
Mr. Carnahan	x			*Mr. Miller (CA)*		x	
Mr. Carney	x			Mr. Mitchell	x		
Ms. Carson	x			*Mr. Moran*		x	
Mr. Coble		x		Mr. Nadler	x		
Mr. Cohen	x			Mrs. Napolitano	x		
Mr. Costello	x			Ms. Norton	x		
Mr. Cummings	x			*Mr. Petri*		x	
Mr. DeFazio	x			*Mr. Platts*		x	
Mr. Dent		x		*Mr. Poe*		x	
Mr. Diaz-Balart		x		Mr. Rahall	x		
Ms. Drake		x		*Mr. Reichert*			
Mr. Duncan				Mr. Salazar	x		
Mr. Ehlers		x		*Ms. Schmidt*		x	
Ms. Fallin		x		Mr. Shuler	x		
Mr. Filner	x			*Mr. Shuster*		x	
Mr. Gerlach		x		Mr. Space	x		
Mr. Gilchrest	x			Mrs. Tauscher	x		
Mr. Graves		x		Mr. Taylor	x		
Mr. Hall	x			Mr. Walz	x		
Mr. Hayes		x		*Mr. Westmoreland*			
Mr. Higgins	x			*Mr. Young*		x	
Ms. Hirono	x			Mr. Oberstar, Chairman	x		
Mr. Holden		x		Vacancy			
Ms. Johnson (TX)	x						

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
FULL COMMITTEE – ROLL CALL
U.S. HOUSE OF REPRESENTATIVES – 110th CONGRESS

Number of Members: 75 (41/34) Quorum: 38 Working Quorum: 25
Date: 06/20/2007 Presiding: Oberstar Convened: 11:12am Adjourned: 3:56pm Clerk: tgm
Amendment or matter voted on: Drake Amendment to H.R. 2701
Vote: 27 yeas – 42 nays

	Yeas	Nays	Present		Yeas	Nays	Present
Mr. Altmire		x		*Mr. Johnson (IL)*			
Mr. Arcuri		x		Mr. Kagen		x	
Mr. Baird		x		*Mr. Kuhl*	x		
Mr. Baker	x			Mr. Lampson			
Mr. Bishop		x		Mr. Larsen		x	
Mr. Boozman	x			*Mr. LaTourette*	x		
Mr. Boswell		x		Mr. Lipinski		x	
Mr. Boustany	x			*Mr. LoBiondo*	x		
Mr. Braley		x		*Mr. Mack*	x		
Ms. Brown (FL)		x		Mrs. Matsui		x	
Mr. Brown (SC)	x			Mr. McNerney		x	
Mr. Buchanan	x			*Mr. Mica*	x		
Ms. Capito	x			Mr. Michaud		x	
Mr. Capuano		x		*Ms. Miller (MI)*	x		
Mr. Carnahan		x		*Mr. Miller (CA)*	x		
Mr. Carney		x		Mr. Mitchell		x	
Ms. Carson		x		*Mr. Moran*	x		
Mr. Coble	x			Mr. Nadler		x	
Mr. Cohen		x		Mrs. Napolitano		x	
Mr. Costello		x		Ms. Norton		x	
Mr. Cummings		x		*Mr. Petri*	x		
Mr. DeFazio		x		*Mr. Platts*		x	
Mr. Dent	x			*Mr. Poe*	x		
Mr. Diaz-Balart	x			Mr. Rahall		x	
Ms. Drake	x			*Mr. Reichert*			
Mr. Duncan				Mr. Salazar		x	
Mr. Ehlers		x		*Ms. Schmidt*	x		
Ms. Fallin	x			Mr. Shuler		x	
Mr. Filner		x		*Mr. Shuster*	x		
Mr. Gerlach	x			Mr. Space		x	
Mr. Gilchrest		x		Mrs. Tauscher		x	
Mr. Graves	x			Mr. Taylor		x	
Mr. Hall		x		Mr. Walz		x	
Mr. Hayes	x			*Mr. Westmoreland*			
Mr. Higgins		x		*Mr. Young*	x		
Ms. Hirono		x		Mr. Oberstar, Chairman		x	
Mr. Holden		x		Vacancy			
Ms. Johnson (TX)		x					

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

COST OF LEGISLATION

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

COMPLIANCE WITH HOUSE RULE XIII

1. With respect to the requirement of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, and clause 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included in the report.

2. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objectives of this legislation are to promote energy efficient transportation and public buildings, creates incentives for the use of alternative fuel vehicles and renewable energy, and ensures sound water resource and natural disaster preparedness planning.

3. With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for H.R. 2701, as amended, from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 18, 2007.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2701, the Transportation Energy Security and Climate Change Mitigation Act of 2007.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Sarah Puro.

Sincerely,

PETER R. ORSZAG.

Enclosure.

H.R. 2701—Transportation Energy Security and Climate Change Mitigation Act of 2007

Summary: H.R. 2701 would authorize the appropriation of about $3.3 billion for programs to reduce environmental emissions from a variety of modes of transportation and to increase the energy efficiency of certain buildings operated by the federal government. The bill would establish several new grant programs to be administered

by the Department of Transportation (DOT) for public transportation entities, rail carriers, and certain shippers. The bill also would establish a new commission on water resources and would implement provisions of a treaty to prevent pollution from ships. Further, the bill would require the Architect of the Capitol (AOC), the Department of Energy (DOE), the Environmental Protection Agency (EPA), the Federal Emergency Management Agency (FEMA), and the Army Corps of Engineers to complete studies and reports regarding global warming and energy efficiency. CBO estimates that implementing the bill would incur discretionary costs of $220 million in 2008, $2.6 billion over the 2008–2012 period, and $0.6 billion after 2012, assuming the appropriation of the necessary amounts.

In addition, CBO estimates that, by authorizing the General Service Administration (GSA) to enter into long-term contracts to secure public utility services, H.R. 2701 would increase direct spending by $70 million in 2008, $770 million over the 2008–2012 period, and $830 million over the next 10 years. A provision of the bill to install a photovoltaic system at the headquarters building of DOE would increase the speed of expenditures but not add to direct spending over the 2008–2012 period. Other provisions would have no significant effect on direct spending and would not affect revenues.

CBO has not reviewed subtitle B of title IV for the presence of intergovernmental or private-sector mandates. Section 4 of the Unfunded Mandates Reform Act (UMRA) excludes from the application of that act any legislative provisions that are necessary for the ratification or implementation of international treaty obligations, and CBO has determined that subtitle B falls within that exclusion. The remaining provisions of H.R. 2701 contain no intergovernmental or private-sector mandates as defined in UMRA; the bill would benefit public institutions of higher education and state and local governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 2701 is shown in the following table. The costs of this legislation fall within budget functions 300 (natural resources and environment), 400 (transportation), and 800 (general government).

Basis of estimate: For this estimate, CBO assumes that H.R. 2701 will be enacted near the end of fiscal year 2007. CBO assumes that the authorized and necessary amounts will be appropriated each year and that outlays will follow historical rates of spending for similar programs.

Direct spending and revenues

Utility Service Contracts. H.R. 2701 would authorize GSA to sign long-term contracts of up to 30 years to secure public utility services for federal agencies. The bill specifies that GSA could use such contracts to promote the use of renewable energy systems. CBO expects GSA would use this new authority because doing so would help agencies to comply with an existing requirement to increase consumption of electricity that is generated from renewable sources (such as wind and solar energy). Under that requirement, by 2013, agencies must generate 3.75 percent of their electricity use from facilities that use renewable sources and were constructed after 1998.

(According to DOE, 1 percent of the electricity consumed currently by federal agencies comes from such facilities.)

Under H.R. 2701, CBO expects that GSA would use long-term contracts to encourage investment in facilities to generate renewable electricity for federal consumption. Upon signing long-term contracts, the government would become obligated to make payments in the future, and consistent with government-wide accounting principles, the budget should record those commitments as new obligations at the time the government enters into such contracts.

ESTIMATED BUDGETARY IMPACT OF H.R. 2701

	By fiscal year, in millions of dollars—				
	2008	2009	2010	2011	2012
CHANGES IN DIRECT SPENDING					
Utility Service Contracts:					
Estimated Budget Authority	230	210	200	190	0
Estimated Outlays	70	150	210	200	140
Photovoltaic System:					
Budget Authority	0	0	0	0	0
Estimated Outlays	6	15	4	−25	0
Total Changes in Direct Spending:					
Estimated Budget Authority	230	210	200	190	0
Estimated Outlays	76	165	214	175	140
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Public Transportation Grants:					
Authorization Level	850	850	0	0	0
Estimated Outlays	128	383	425	298	230
Rail Grants:					
Authorization Level	300	300	300	300	0
Estimated Outlays	46	136	196	240	232
Maritime Transportation:					
Estimated Authorization Level	54	54	54	52	1
Estimated Outlays	31	41	47	47	19
Aviation Programs:					
Estimated Authorization Level	21	22	33	50	0
Estimated Outlays	6	21	31	41	21
Commission on Water Resources:					
Estimated Authorization Level	2	3	3	3	1
Estimated Outlays	1	3	4	3	1
Other Programs, Reports, and Assessments:					
Estimated Authorization Level	7	3	2	2	2
Estimated Outlays	4	5	2	2	2
Total Changes Subject to Appropriation:					
Estimated Authorization Level	1,234	1,232	392	407	4
Estimated Outlays	221	603	708	606	503

Based on information provided by DOE about the current use of renewable electricity by federal agencies, CBO estimates that GSA would contract with utilities to build new facilities capable of producing nearly 250 megawatts of electricity. (CBO estimates that amount of capacity would generate roughly half of the renewable electricity federal agencies must consume by 2013 to meet the current-law requirement.) Based on information from the Energy Information Administration about the cost of building such facilities, we estimate that the cost per megawatt of renewable electricity capacity would average $3.3 million. That amount reflects a weighted average of capital costs for various types of renewable facilities—particularly wind and solar photovoltaic—and includes anticipated financing costs. For this estimate, we expect that most spending to build new capacity would occur over the 2008–2012 period, with fa-

cilities coming on line within three years of when construction begins.

CBO estimates that increased direct spending on contracts to obtain renewable electricity generation facilities under H.R. 2701 would cost $70 million in 2008, $770 million over the 2008–2012 period, and $830 million over the next 10 years.

Photovoltaic System. The bill would require GSA to install a photovoltaic system on the side of the headquarters building of DOE in Washington, D.C. Photovoltaic systems use solar-power technology to convert energy from the sun into electricity. The legislation would direct the department to use up to $30 million in unobligated balances in the Federal Buildings Fund, which currently has over $2 billion available, beginning in fiscal year 2008, to install the system.

CBO estimates that H.R. 2701 would modify the expected spending pattern of balances in the Federal Buildings Fund but would not increase budget authority. Based on information from DOE about the anticipated construction schedule, CBO estimates that implementing this project would cost $6 million in 2008 and $30 million over the 2008–2012 period. However, we also estimate that this project would not affect net federal outlays over the 2008–2012 period because spending on this project would be offset by decreased spending later in that period or by other GSA initiatives.

Capitol Construction Fund. The bill would add certain vessels engaged in short sea shipping on the Great Lakes Saint Lawrence Seaway System to the list of vessels for which capital construction funds may be established. By contributing to such funds, certain companies can defer income taxes on the portion of their income used for qualifying activities (for example, construction of vessels). Expanding eligibility for capital construction funds would become effective if changes to the Internal Revenue Code were made in subsequent legislation that are similar to the changes that section 402 would make to title 46. Since any changes in revenues would be contingent upon such subsequent legislation, enacting H.R. 2701 would not—by itself—have any impact on federal revenues.

Spending subject to appropriation

Public Transportation Grants. Section 201 would direct DOT to administer grants that would aid public transportation authorities to either reduce fares or to expand services. The bill would authorize the appropriation of $750 million annually in fiscal years 2008 and 2009 for such programs in urban areas with populations over 50,000, and $100 million in each of those two years for areas with populations under 50,000. Based on spending patterns for similar programs, CBO estimates that implementing those grant programs would cost $128 million in 2008, $1.5 billion over the 2008–2012 period, and about $220 million after 2012.

Rail Grants. Title III would establish two new grant programs, one intended to reduce emissions from trucks by using rail transportation and the other to reduce emissions generated by locomotives. The bill would authorize the appropriation of $300 million annually through 2011 for such programs. That amount includes $250 million to rehabilitate, preserve, or improve railroad track to increase the capacity of that track, and $50 million for grants to railroad carriers to purchase or refurbish locomotives that meet or

exceed EPA's proposed emissions standards for locomotives and locomotive engines. CBO estimates that implementing those programs would cost $46 million in 2008, $846 million over the 2008–2012 period, and $342 million after 2012.

Maritime Transportation. Title IV would require DOT to establish a program to increase the use of a certain type of short-distance transportation of cargo by sea called short sea transportation and to establish an initiative to increase the use of technologies at United States ports and shipyards that would reduce certain air emissions. CBO estimates that he title also would implement the Protocol of 1997 to the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL) by requiring EPA and DOT to develop new regulations. CBO estimates that fully funding those programs would require appropriations totaling $215 million over the 2008–2012 period. That amount includes $100 million specifically authorized to be appropriated to DOT for a loan guarantee program to increase the use of short sea transportation and a specified $106 million for an initiative to reduce certain air emissions at ports. The remaining $9 million would be used to implement the short sea program and MARPOL regulations. Based on historical spending patterns for similar activities, CBO estimates that implementing title IV would cost $31 million in 2008 and $185 million over the 2008–2012 period, assuming appropriation of the amounts specified and estimated to be necessary.

Aviation Programs. Title V would establish two new programs aimed at improving the energy efficiency of aircraft and reducing aviation-related environmental impacts. CBO estimates that fully funding those programs would require appropriations totaling $126 million over the 2008–2011 period. That amount includes $111 million specifically 5 authorized to be appropriated to the Federal Aviation Administration for research on aircraft technology and $15 million estimated to be necessary for DOT to fund pilot projects to mitigate aviation-related effects on noise, air quality, or water quality. Based on historical spending patterns for similar activities, CBO estimates that implementing title V would cost $6 million in 2008 and $120 million over the next five years, assuming appropriation of the necessary amounts.

Commission on Water Resources. Title VII would authorize the appropriation of $12 million to establish a commission to study the use and management of water resources in the United States. The commission also would be responsible for assessing strategies and incentives to ensure that the United States continues to have an adequate and dependable supply of water. CBO estimates that enacting this provision would cost $1 million in 2008 and $12 million over the 2008–2012 period.

Other Programs, Reports, and Assessments. Other provisions of the bill would authorize the appropriation of $16 million over the 2008–2012 period, including:

- $10 million for DOT to establish a Center for Climate Change and Environment and to complete studies and reports on climate change;
- $5 million for DOE, DOT, EPA, FEMA, the Architect of the Capitol, and the Army Corps of Engineers to complete studies on the use of pipelines to transport ethanol, the effectiveness of the short sea transportation program established in

the bill, the potential impacts of climate change on water resources and water quality, the effects of climate changes on FEMA preparedness, the construction and use of energy efficient technologies within the U.S. Capitol complex, and the use of certain hydropower technologies to reduce emissions, respectively; and

- $1 million for the Architect of the Capitol to build an E–85 (a blend of motor fuel with 85 percent ethanol and 15 percent gasoline) fueling station within the Capitol complex.

CBO estimates that fully funding those activities would cost $4 million in 2008 and $15 million over the 2008–2012 period, assuming appropriation of the necessary amounts.

Intergovernmental and private-sector impact: Section 4 of UMRA excludes from the application of that act any legislative provisions that are necessary for the ratification or implementation of international treaty obligations. CBO has determined that title IV, subtitle B of H.R. 2701 falls within that exclusion because it 6 would implement Annex VI of the MARPOL Convention. Consequently, CBO has not reviewed those provisions for the presence of intergovernmental or private-sector mandates.

The remaining provisions of H.R. 2701 contain no intergovernmental or private-sector mandates as defined in UMRA. The bill would benefit public institutions of higher education and state and local governments by authorizing grants for various projects to enhance energy efficiency and mitigate environmental impacts. Any costs those entities would incur to comply with conditions of federal assistance would be incurred voluntarily.

Previous CBO estimates: CBO has transmitted several cost estimates for legislation that contain certain similar provisions to those in H.R. 2701.

On June 11, 2007, CBO transmitted a cost estimate for S. 1321, the Energy Savings Act of 2007, as ordered reported by the Senate Committee on Energy and Natural Resources on May 7, 2007. That bill contained a provision similar to the one in H.R. 2701 that would require federal agencies to increase their consumption of renewable electricity generated from facilities brought into service after 1998. CBO estimated that those provisions would cost $10 million in 2008 and $150 million over the 2008–2012 period. The differences in the bills' estimated costs are reflected in their different requirements.

On February 12, 2007, and June 11, 2007, CBO transmitted cost estimates for H.R. 798, an act to direct the Administrator of General Services to install a photovoltaic system for the headquarters building of the Department of Energy, as ordered reported by the House Committee on Transportation and Infrastructure and the Senate Committee on the Environment and Public Works, respectively. The provisions in H.R. 2701 addressing the installation of a photovoltaic system are identical to those in both versions of H.R. 798.

On February 12, 2007, CBO transmitted a cost estimate for H.R. 802, the Maritime Pollution Prevention Act of 2007, as ordered reported by the House Committee on Transportation and Infrastructure on February 7, 2007. Subtitle B of title IV of H.R. 2701 is similar in scope and content to the provisions of H.R. 802, and

CBO estimates that the costs to implement the provisions would be the same.

Estimate prepared by: Federal spending: Aviation and energy programs: Megan Carroll; FEMA programs: Daniel Hoople; Water resources programs: Tyler Kruzich; Public buildings: Matthew Pickford; Maritime transportation programs: Deborah Reis; Surface transportation programs: Sarah Puro; Federal revenues: Emily Schlect; Impact on state, local, and tribal governments: Elizabeth Cove; Impact on the private sector: Jacob Kuipers.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH HOUSE RULE XXI

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 2701, as amended, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI of the Rules of the House of Representatives.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104–4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee states that H.R. 2701, as amended, does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act are created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 49, UNITED STATES CODE

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SUBTITLE I—DEPARTMENT OF TRANSPORTATION

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CHAPTER 1—ORGANIZATION

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§ 102. Department of Transportation

(a) * * *

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(g) CENTER FOR CLIMATE CHANGE AND ENVIRONMENT.—

(1) ESTABLISHMENT.—There is established in the Department a Center for Climate Change and Environment to plan, coordinate, and implement—

(A) department-wide research, strategies, and actions to reduce transportation-related energy use and mitigate the effects of climate change; and

(B) department-wide research strategies and action to address the impacts of climate change on transportation systems and infrastructure.

(2) CLEARINGHOUSE.—The Center shall establish a clearinghouse of low-cost solutions to reduce congestion and transportation-related energy use and mitigate the effects of climate change.

[(g)**]** *(h)* The Department shall have a seal that shall be judicially recognized.

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SUBTITLE V—RAIL PROGRAMS

PART A—SAFETY

Chapter		Sec.
201.	GENERAL	20101

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PART B—ASSISTANCE

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[223. LIGHT DENSITY RAIL LINE PILOT PROJECTS .....22301**]**

223. CAPITAL GRANTS FOR RAILROAD TRACK 22301

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PART E—MISCELLANEOUS

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285. COMMUTER RAIL TRANSIT ENHANCEMENT 28501

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PART B—ASSISTANCE

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[CHAPTER 223—LIGHT DENSITY RAIL LINE PILOT PROJECTS

[Sec.
[22301. Light density rail line pilot projects.

[§ 22301. Light density rail line pilot projects

[(a) GRANTS.—The Secretary of Transportation may make grants to States that have State rail plans described in section 22102(1) and (2), to fund pilot projects that demonstrate the relationship of light density railroad services to the statutory responsibilities of the Secretary, including those under title 23.

[(b) LIMITATIONS.—Grants under this section may be made only for pilot projects for making capital improvements to, and rehabilitating, publicly and privately owned rail line structures, and may not be used for providing operating assistance.

[(c) PRIVATE OWNER CONTRIBUTIONS.—Grants made under this section for projects on privately owned rail line structures shall include contributions by the owner of the rail line structures, based on the benefit to those structures, as determined by the Secretary.

[(d) STUDY.—The Secretary shall conduct a study of the pilot projects carried out with grant assistance under this section to determine the public interest benefits associated with the light density railroad networks in the States and their contribution to a multimodal transportation system. Not later than March 31, 2003, the Secretary shall report to Congress any recommendations the Secretary considers appropriate regarding the eligibility of light density rail networks for Federal infrastructure financing.

[(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $17,500,000 for each of the fiscal years 1998, 1999, 2000, 2001, 2002, and 2003. Such funds shall remain available until expended.]

CHAPTER 223—CAPITAL GRANTS FOR RAILROAD TRACK

Sec.
22301. Capital grants for railroad track.

§ 22301. Capital grants for railroad track

(a) ESTABLISHMENT OF PROGRAM.—

(1) ESTABLISHMENT.—The Secretary of Transportation shall establish a program of capital grants for the rehabilitation, preservation, or improvement of railroad track (including roadbed, bridges, and related track structures) of class II and class III railroads. Such grants shall be for rehabilitating, preserving, or improving track used primarily for freight transpor-

tation to a standard ensuring that the track can be operated safely and efficiently, including grants for rehabilitating, preserving, or improving track to handle 286,000 pound railcars. Grants may be provided under this chapter—

(A) directly to the class II or class III railroad; or

(B) with the concurrence of the class II or class III railroad, to a State or local government.

(2) STATE COOPERATION.—Class II and class III railroad applicants for a grant under this chapter are encouraged to utilize the expertise and assistance of State transportation agencies in applying for and administering such grants. State transportation agencies are encouraged to provide such expertise and assistance to such railroads.

(3) INTERIM REGULATIONS.—Not later than December 31, 2007, the Secretary shall issue temporary regulations to implement the program under this section. Subchapter II of chapter 5 of title 5 does not apply to a temporary regulation issued under this paragraph or to an amendment to such a temporary regulation.

(4) FINAL REGULATIONS.—Not later than October 1, 2008, the Secretary shall issue final regulations to implement the program under this section.

(b) MAXIMUM FEDERAL SHARE.—The maximum Federal share for carrying out a project under this section shall be 80 percent of the project cost. The non-Federal share may be provided by any non-Federal source in cash, equipment, or supplies. Other in-kind contributions may be approved by the Secretary on a case-by-case basis consistent with this chapter.

(c) PROJECT ELIGIBILITY.—For a project to be eligible for assistance under this section the track must have been operated or owned by a class II or class III railroad as of the date of the enactment of this chapter.

(d) USE OF FUNDS.—Grants provided under this section shall be used to implement track capital projects as soon as possible. In no event shall grant funds be contractually obligated for a project later than the end of the third Federal fiscal year following the year in which the grant was awarded. Any funds not so obligated by the end of such fiscal year shall be returned to the Secretary for reallocation.

(e) EMPLOYEE PROTECTION.—The Secretary shall require as a condition of any grant made under this section that the recipient railroad provide a fair arrangement at least as protective of the interests of employees who are affected by the project to be funded with the grant as the terms imposed under section 11326(a), as in effect on the date of the enactment of this chapter.

(f) LABOR STANDARDS.—

(1) PREVAILING WAGES.—The Secretary shall ensure that laborers and mechanics employed by contractors and subcontractors in construction work financed by a grant made under this section will be paid wages not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor under subchapter IV of chapter 31 of title 40 (commonly known as the "Davis-Bacon Act"). The Secretary shall make a grant under this section only after being assured

that required labor standards will be maintained on the construction work.

(2) WAGE RATES.—Wage rates in a collective bargaining agreement negotiated under the Railway Labor Act (45 U.S.C. 151 et seq.) are deemed for purposes of this subsection to comply with the subchapter IV of chapter 31 of title 40.

(g) STUDY.—The Secretary shall conduct a study of the projects carried out with grant assistance under this section to determine the public interest benefits associated with the light density railroad networks in the States and their contribution to a multimodal transportation system. Not later than March 31, 2009, the Secretary shall report to Congress any recommendations the Secretary considers appropriate regarding the eligibility of light density rail networks for Federal infrastructure financing.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Transportation $250,000,000 for each of fiscal years 2008 through 2011 for carrying out this section.

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PART E—MISCELLANEOUS

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CHAPTER 285—COMMUTER RAIL TRANSIT ENHANCEMENT

Sec.
28501. Definitions
28502. Surface Transportation Board mediation of trackage use requests.
28503. Surface Transportation Board mediation of rights-of-way use requests.
28504. Applicability of other laws.
28505. Rules and regulations.

§ 28501. Definitions

In this chapter—

(1) the term "Board" means the Surface Transportation Board;

(2) the term "capital work" means maintenance, restoration, reconstruction, capacity enhancement, or rehabilitation work on trackage that would be treated, in accordance with generally accepted accounting principles, as a capital item rather than an expense;

(3) the term "fixed guideway transportation" means public transportation (as defined in section 5302(a)(10)) provided on, by, or using a fixed guideway (as defined in section 5302(a)(4));

(4) the term "public transportation authority" means a local governmental authority (as defined in section 5302(a)(6)) established to provide, or make a contract providing for, fixed guideway transportation;

(5) the term "rail carrier" means a person, other than a governmental authority, providing common carrier railroad transportation for compensation subject to the jurisdiction of the Board under chapter 105;

(6) the term "segregated fixed guideway facility" means a fixed guideway facility constructed within the railroad right-of-way of a rail carrier but physically separate from trackage, in-

cluding relocated trackage, within the right-of-way used by a rail carrier for freight transportation purposes; and

(7) the term "trackage" means a railroad line of a rail carrier, including a spur, industrial, team, switching, side, yard, or station track, and a facility of a rail carrier.

§ 28502. Surface Transportation Board mediation of trackage use requests

If, after a reasonable period of negotiation, a public transportation authority cannot reach agreement with a rail carrier to use trackage of, and have related services provided by, the rail carrier for purposes of fixed guideway transportation, the public transportation authority or the rail carrier may apply to the Board for nonbinding mediation. The Board shall conduct the nonbinding mediation in accordance with the mediation process of section 1109.4 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this section.

§ 28503. Surface Transportation Board mediation of rights-of-way use requests

If, after a reasonable period of negotiation, a public transportation authority cannot reach agreement with a rail carrier to acquire an interest in a railroad right-of-way for the construction and operation of a segregated fixed guideway facility, the public transportation authority or the rail carrier may apply to the Board for nonbinding mediation. The Board shall conduct the nonbinding mediation in accordance with the mediation process of section 1109.4 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this section.

§ 28504. Applicability of other laws

Nothing in this chapter shall be construed to limit a rail transportation provider's right under section 28103(b) to enter into contracts that allocate financial responsibility for claims.

§ 28505. Rules and regulations

Not later than 180 days after the date of enactment of this section, the Board shall issue such rules and regulations as may be necessary to carry out this chapter.

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SUBTITLE VII—AVIATION PROGRAMS

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PART B—AIRPORT DEVELOPMENT AND NOISE

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CHAPTER 475—NOISE

SUBCHAPTER I—NOISE ABATEMENT

Sec.
47501. Definitions.
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47511. CLEEN engine and airframe technology partnership.
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SUBCHAPTER I—NOISE ABATEMENT

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§ 47511. CLEEN engine and airframe technology partnership

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall enter into a cooperative agreement, using a competitive process, with an institution, entity, or consortium to carry out a program for the development, maturing, and certification of CLEEN engine and airframe technology for aircraft over the next 10 years.

(b) CLEEN ENGINE AND AIRFRAME TECHNOLOGY DEFINED.—In this section, the term "CLEEN engine and airframe technology" means continuous lower energy, emissions, and noise engine and airframe technology.

(c) PERFORMANCE OBJECTIVE.—The Administrator shall establish the following performance objectives for the program, to be achieved by September 30, 2015:

(1) Development of certifiable aircraft technology that reduces greenhouse gas emissions by increasing aircraft fuel efficiency by 25 percent relative to 1997 subsonic jet aircraft technology.

(2) Development of certifiable engine technology that reduces landing and takeoff cycle nitrogen oxide emissions by 50 percent, without increasing other gaseous or particle emissions, over the International Civil Aviation Organization standard adopted in 2004.

(3) Development of certifiable aircraft technology that reduces noise levels by 10 decibels at each of the 3 certification points relative to 1997 subsonic jet aircraft technology.

(4) Determination of the feasibility of the use of alternative fuels in aircraft systems, including successful demonstration and quantification of the benefits of such fuels.

(5) Determination of the extent to which new engine and aircraft technologies may be used to retrofit or re-engine aircraft to increase the integration of retrofitted and re-engined aircraft into the commercial fleet.

(d) CLEAN COAL TO JET FUEL RESEARCH.—

(1) ESTABLISHMENT OF RESEARCH PROGRAM.—The Secretary of Transportation shall conduct a research program related to developing jet fuel from clean coal through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies. The Secretary may include as a purpose of the program a demonstration of the capture and sequestration of the carbon dioxide produced in the conversion process of coal to jet fuel. The program shall include participation by educational and research institutions that have existing facilities and experience

in the development and deployment of technology that processes coal to aviation fuel.

(2) DESIGNATION OF INSTITUTE AS A CENTER OF EXCELLENCE.—Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall designate through a competitive process an institution described in subsection (a) as a Center of Excellence for Coal to Jet Fuel Research.

(e) FUNDING.—Of amounts appropriated under section 48102(a), not more than the following amounts may be used to carry out this section:

(1) $6,000,000 for fiscal year 2008.
(2) $22,000,000 for fiscal year 2009.
(3) $33,000,000 for fiscal year 2010.
(4) $50,000,000 for fiscal year 2011.

(f) REPORT.—Beginning in fiscal year 2009, the Administrator shall publish an annual report on the program established under this section until completion of the program.

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TITLE 23, UNITED STATES CODE

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CHAPTER 1—FEDERAL-AID HIGHWAYS

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SUBCHAPTER I—REPEALED

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§ 120. Federal share payable

(a) * * *

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(c) INCREASED FEDERAL SHARE [FOR CERTAIN SAFETY PROJECTS].—

(1) CERTAIN SAFETY PROJECTS.—The Federal share payable on account of any project for traffic control signalization, traffic circles (also known as "roundabouts"), safety rest areas, pavement marking, commuter carpooling and vanpooling, rail-highway crossing closure, or installation of traffic signs, traffic lights, guardrails, impact attenuators, concrete barrier end-treatments, breakaway utility poles, or priority control systems for emergency vehicles or transit vehicles at signalized intersections may amount to 100 percent of the cost of construction of such projects; except that not more than 10 percent of all sums apportioned for all the Federal-aid systems for any fiscal year in accordance with section 104 of this title shall be used under this subsection. In this subsection, the term "safety rest area" means an area where motor vehicle operators can park their vehicles and rest, where food, fuel, and lodging services are not available, and that is located on a segment of highway with respect to which the Secretary determines there is a

shortage of public and private areas at which motor vehicle operators can park their vehicles and rest.

(2) CMAQ PROJECTS.—The Federal share payable on account of a project or program carried out under section 149 with funds obligated in fiscal year 2008 or 2009, or both, shall be 100 percent of the cost thereof.

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TITLE 46, UNITED STATES CODE

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Subtitle V—Merchant Marine

PART A—GENERAL

Chapter		Sec.
501.	**Policy, Studies, and Reports**	**50101**

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PART D—PROMOTIONAL PROGRAMS

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556.	***Short Sea Transportation***	***55601***

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PART C—FINANCIAL ASSISTANCE PROGRAMS

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CHAPTER 535—CAPITAL CONSTRUCTION FUNDS

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§ 53501. Definitions

In this chapter:

(1) * * *

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(5) QUALIFIED VESSEL.—The term "qualified vessel" means—

(A) a vessel—

(i) * * *

* * * * * * *

(iii) agreed, between the Secretary and the person maintaining the capital construction fund established under section 53503 of this title, to be operated in the United States foreign, Great Lakes, [or noncontiguous domestic] *noncontiguous domestic, or short sea transportation trade* trade or in the fisheries of the United States; and

* * * * * * *

(7) SHORT SEA TRANSPORTATION TRADE.—The term "short sea transportation trade" means the carriage by vessel of cargo—

(A) that is—

(i) contained in intermodal cargo containers and loaded by crane on the vessel; or

(ii) loaded on the vessel by means of wheeled technology; and

(B) that is—

(i) loaded at a port in the United States and unloaded at another port in the United States or a port in Canada located in the Great Lakes Saint Lawrence Seaway System; or

(ii) loaded at a port in Canada located in the Great Lakes Saint Lawrence Seaway System and unloaded at a port in the United States.

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§ 53503. Establishing a capital construction fund

(a) * * *

(b) ALLOWABLE PURPOSE.—The purpose of the agreement shall be to provide replacement vessels, additional vessels, or reconstructed vessels, built in the United States and documented under the laws of the United States, for operation in the United States foreign, Great Lakes, [or noncontiguous domestic trade] *noncontiguous domestic, or short sea transportation trade* or in the fisheries of the United States.

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PART D—PROMOTIONAL PROGRAMS

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CHAPTER 556—SHORT SEA TRANSPORTATION

Sec. 55601. Short sea transportation program.
Sec. 55602. Cargo and shippers.
Sec. 55603. Financing of short sea transportation projects.
Sec. 55604. Interagency coordination.
Sec. 55605. Research on short sea transportation.
Sec. 55606. Short sea transportation defined.

§ 55601. Short sea transportation program

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a short sea transportation program and designate short sea transportation projects to be conducted under the program to mitigate landside congestion.

(b) PROGRAM ELEMENTS.—The program shall encourage the use of short sea transportation through the development and expansion of—

(1) documented vessels;

(2) shipper utilization;

(3) port and landside infrastructure; and

(4) marine transportation strategies by State and local governments.

(c) SHORT SEA TRANSPORTATION ROUTES.—The Secretary shall designate short sea transportation routes as extensions of the surface transportation system to focus public and private efforts to use the waterways to relieve landside congestion along coastal corridors. The Secretary may collect and disseminate data for the designation and delineation of short sea transportation routes.

(d) PROJECT DESIGNATION.—The Secretary may designate a project to be a short sea transportation project if the Secretary determines that the project may—

(1) offer a waterborne alternative to available landside transportation services using documented vessels; and

(2) provide transportation services for passengers or freight (or both) that may reduce congestion on landside infrastructure using documented vessels.

(e) ELEMENTS OF PROGRAM.—For a short sea transportation project designated under this section, the Secretary of Transportation may—

(1) promote the development of short sea transportation services;

(2) coordinate, with ports, State departments of transportation, localities, other public agencies, and the private sector and on the development of landside facilities and infrastructure to support short sea transportation services; and

(3) develop performance measures for the short sea transportation program.

(f) MULTISTATE, STATE AND REGIONAL TRANSPORTATION PLANNING.—The Secretary, in consultation with Federal entities and State and local governments, shall develop strategies to encourage the use of short sea transportation for transportation of passengers and cargo. The Secretary shall—

(1) assess the extent to which States and local governments include short sea transportation and other marine transportation solutions in their transportation planning;

(2) encourage State departments of transportation to develop strategies, where appropriate, to incorporate short sea transportation, ferries, and other marine transportation solutions for regional and interstate transport of freight and passengers in their transportation planning; and

(3) encourage groups of States and multi-State transportation entities to determine how short sea transportation can address congestion, bottlenecks, and other interstate transportation challenges.

§ 55602. Cargo and shippers

(a) MEMORANDUMS OF AGREEMENT.—The Secretary of Transportation shall enter into memorandums of understanding with the heads of other Federal entities to transport federally owned or generated cargo using a short sea transportation project designated under section 55601 when practical or available.

(b) SHORT-TERM INCENTIVES.—The Secretary shall consult shippers and other participants in transportation logistics and develop proposals for short-term incentives to encourage the use of short sea transportation.

§ 55603. Financing of short sea transportation projects

(a) AUTHORITY TO MAKE LOAN GUARANTEE.—The Secretary of Transportation, subject to the availability of appropriations, may make a loan guarantee for the financing of the construction, reconstruction, or reconditioning of a vessel that will be used for a short sea transportation project designated under section 55601.

(b) TERMS AND CONDITIONS.—In making a loan guarantee under this section, the Secretary shall use the authority, terms, and conditions that apply to a loan guarantee made under chapter 537.

(c) GENERAL LIMITATIONS.—The total unpaid principal amount of obligations guaranteed under this chapter and outstanding at one time may not exceed $2,000,000,000.

(d) FULL FAITH AND CREDIT.—The full faith and credit of the United States Government is pledged to the payment of a guarantee made under this chapter, for both principal and interest, including interest (as may be provided for in the guarantee) accruing between the date of default under a guaranteed obligation and the date of payment in full of the guarantee.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $25,000,000 to carry out this section for each of fiscal years 2008 through 2011.

§ 55604. Interagency coordination

The Secretary of Transportation shall establish a board to identify and seek solutions to impediments hindering effective use of short sea transportation. The board shall include representatives of other Federal, State, and local governmental entities and private sector entities.

§ 55605. Research on short sea transportation

The Secretary of Transportation may conduct research on short sea transportation, regarding—

(1) the environmental and transportation benefits to be derived from short sea transportation alternatives for other forms of transportation;

(2) technology, vessel design, and other improvements that would reduce emissions, increase fuel economy, and lower costs of short sea transportation and increase the efficiency of intermodal transfers; and

(3) identify and seek solutions to impediments to short sea transportation projects designated under section 55601.

§ 55606. Short sea transportation defined

In this chapter, the term "short sea transportation" means the carriage by vessel of cargo—

(1) that is—

(A) contained in intermodal cargo containers and loaded by crane on the vessel; or

(B) loaded on the vessel by means of wheeled technology; and

(2) that is—

(A) loaded at a port in the United States and unloaded at another port in the United States or a port in Canada located in the Great Lakes Saint Lawrence Seaway System; or

(B) loaded at a port in Canada located in the Great Lakes Saint Lawrence Seaway System and unloaded at a port in the United States.

ACT TO PREVENT POLLUTION FROM SHIPS

* * * * * * *

SEC. 2. (a) Unless the context indicates otherwise, as used in this Act—

(1) "Administrator" means the Administrator of the Environmental Protection Agency.

[(1)**]** *(2)* "Antarctica" means the area south of 60 degrees south latitude;

[(2)**]** *(3)* "Antarctic Protocol" means the Protocol on Environmental Protection to the Antarctic Treaty, signed October 4, 1991, in Madrid, and all annexes thereto, and includes any future amendments thereto which have entered into force;

[(3)**]** *(4)* "MARPOL Protocol" means the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, and includes the Convention;

[(4)**]** *(5)* "Convention" means the International Convention for the Prevention of Pollution from Ships, 1973, including Protocols I and II and Annexes I, II, **[**and V**]** *V, and VI* thereto, including any modification or amendments to the Convention, Protocols or Annexes which have entered into force for the United States;

[(5)**]** *(6)* **[**"discharge" and "garbage" and "harmful substance" and "incident"**]** *"discharge", "emission", "garbage", "harmful substance", and "incident"* shall have the meanings provided in the Convention;

(7) "navigable waters" includes the territorial sea of the United States (as defined in Presidential Proclamation 5928 of December 27, 1988) and the internal waters of the United States;

[(6)**]** *(8)* "owner" means any person holding title to, or in the absence of title, any other indicia of ownership of, a ship or terminal, but does not include a person who, without participating in the management or operation of a ship or terminal, holds indicia of ownership primarily to protect a security interest in the ship or terminal;

[(7)**]** *(9)* "operator" means—

(a) * * *

* * * * * * *

[(8)**]** *(10)* "person" means an individual, firm, public or private corporation, partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body;

[(9)**]** *(11)* "Secretary" means the Secretary of the department in which the Coast Guard is operating;

[(10)**]** *(12)* "ship" means a vessel of any type whatsoever, including hydrofoils, air-cushion vehicles, submersibles, floating craft whether self-propelled or not, and fixed or floating platforms;

[(11)**]** *(13)* "submersible" means a submarine, or any other vessel designed to operate under water; and

[(12)**]** *(14)* "terminal" means an onshore facility or an offshore structure located in the navigable waters of the United States or subject to the jurisdiction of the United States and

used, or intended to be used, as a port or facility for the transfer or other handling of a harmful substance.

SEC. 3. (a) This Act shall apply—

(1) * * *

* * * * * * *

(3) with respect to the requirements of Annex V to the Convention, to a ship, other than a ship referred to in paragraph (1), while in the navigable waters or the exclusive economic zone of the United States; [and]

(4) with respect to regulations prescribed under section 6 of this Act, any port or terminal in the United States[.]*; and*

(5) with respect to Annex VI to the Convention, and other than with respect to a ship referred to in paragraph (1)—

(A) to a ship that is in a port, shipyard, offshore terminal, or the internal waters of the United States;

(B) to a ship that is bound for, or departing from, a port, shipyard, offshore terminal, or the internal waters of the United States, and is in—

(i) the navigable waters of the United States;

(ii) an emission control area designated pursuant to section 4; or

(iii) any other area that the Administrator, in consultation with the Secretary and each State in which any part of the area is located, has designated by order as being an area from which emissions from ships are of concern with respect to protection of public health, welfare, or the environment;

(C) to a ship that is entitled to fly the flag of, or operating under the authority of, a party to Annex VI, and is in—

(i) the navigable waters of the United States;

(ii) an emission control area designated under section 4; or

(iii) any other area that the Administrator, in consultation with the Secretary and each State in which any part of the area is located, has designated by order as being an area from which emissions from ships are of concern with respect to protection of public health, welfare, or the environment; and

(D) to the extent consistent with international law, to any other ship that is in—

(i) the exclusive economic zone of the United States;

(ii) the navigable waters of the United States;

(iii) an emission control area designated under section 4; or

(iv) any other area that the Administrator, in consultation with the Secretary and each State in which any part of the area is located, has designated by order as being an area from which emissions from ships are of concern with respect to protection of public health, welfare, or the environment.

(b)(1) Except as provided in [paragraph (2)] *paragraphs (2) and (3)*, this Act shall not apply to—

(A) a warship, naval auxiliary, or other ship owned or operated by the United States when engaged in noncommercial service; or

(B) any other ship specifically excluded by the MARPOL Protocol or the Antarctic Protocol.

* * * * * * *

(3) With respect to Annex VI the Administrator, or the Secretary, as relevant to their authorities pursuant to this Act, may determine that some or all of the requirements under this Act shall apply to one or more classes of public vessels, except that such a determination by the Administrator shall have no effect unless the head of the Department or agency under which the vessels operate concurs in the determination. This paragraph does not apply during time of war or during a declared national emergency.

(c) APPLICATION TO OTHER PERSONS.—This Act shall apply to all persons to the extent necessary to ensure compliance with Annex VI to the Convention.

[(c)**]** *(d)* DISCHARGES IN SPECIAL AREAS.—(1) * * *

* * * * * * *

[(d)**]** *(e)* The Secretary *or the Administrator, consistent with section 4 of this Act,* shall prescribe regulations applicable to the ships of a country not a party to the MARPOL **[**Protocol, including regulations conforming to and giving effect to the requirements of Annex V**]** *Protocol (or the applicable Annex), including regulations conforming to and giving effect to the requirements of Annex V and Annex VI* as they apply under subsection (a) **[**of section 3**]** *of this section*, to ensure that their treatment is not more favorable than that accorded ships to parties to the MARPOL Protocol.

[(e)**]** *(f)* COMPLIANCE BY EXCLUDED VESSELS.—(1) * * *

* * * * * * *

[(f)**]** *(g)* WAIVER AUTHORITY.—The President may waive the effective dates of the requirements set forth in subsection (c) of this section and in subsection 1003(e) of the National Defense Authorization Act for Fiscal Year 1994 if the President determines it to be in the paramount interest of the United States to do so. Any such waiver shall be for a period not in excess of one year. The President shall submit to the Congress each January a report on all waivers from the requirements of this section granted during the preceding calendar year, together with the reasons for granting such waivers.

[(g)**]** *(h)* The heads of Federal departments and agencies shall prescribe standards applicable to ships excluded from this Act by subsection (b)(1) of this section and for which they are responsible. Standards prescribed under this subsection shall ensure, so far as is reasonable and practicable without impairing the operations or operational capabilities of such ships, that such ships act in a manner consistent with the MARPOL Protocol.

SEC. 4. (a) * * *

(b) DUTY OF THE ADMINISTRATOR.—In addition to other duties specified in this Act, the Administrator and the Secretary, respectively, shall have the following duties and authorities:

(1) The Administrator shall, and no other person may, issue Engine International Air Pollution Prevention certificates in accordance with Annex VI and the International Maritime Organization's Technical Code on Control of Emissions of Nitrogen Oxides from Marine Diesel Engines, on behalf of the United

States for a vessel of the United States as that term is defined in section 116 of title 46, United States Code. The issuance of Engine International Air Pollution Prevention certificates shall be consistent with any applicable requirements of the Clean Air Act (42 U.S.C. 7401 et seq.) or regulations prescribed under that Act.

(2) The Administrator shall have authority to administer regulations 12, 13, 14, 15, 16, 17, 18, and 19 of Annex VI to the Convention.

(3) The Administrator shall, only as specified in section 8(f), have authority to enforce Annex VI of the Convention.

[(b)**]** *(c)*(1) * * *

(2) In addition to the authority the Secretary has to prescribe regulations under this Act, the Administrator shall also prescribe any necessary or desired regulations to carry out the provisions of regulations 12, 13, 14, 15, 16, 17, 18, and 19 of Annex VI to the Convention.

(3) In prescribing any regulations under this section, the Secretary and the Administrator shall consult with each other, and with respect to regulation 19, with the Secretary of the Interior.

[(2)**]** *(4)* The Secretary of the department in which the Coast Guard is operating shall—

(A) * * *

* * * * * * *

(5) No standard issued by any person or Federal authority, with respect to emissions from tank vessels subject to regulation 15 of Annex VI to the Convention, shall be effective until 6 months after the required notification to the International Maritime Organization by the Secretary.

[(c)**]** *(d)* The Secretary may utilize by agreement, with or without reimbursement, personnel, facilities, or equipment of other Federal departments and agencies in administering the MARPOL Protocol, this Act, or the regulations thereunder.

SEC. 5. (a) **[**The Secretary**]** *Except as provided in section 4(b)(1), the Secretary* shall designate those persons authorized to issue on behalf of the United States the certificates required by the MARPOL Protocol. A certificate required by the MARPOL Protocol shall not be issued to a ship which is registered in or of the nationality of a country which is not a party to the MARPOL Protocol.

(b) A certificate issued by a country which is a party to the MARPOL Protocol has the same validity as a certificate issued by the **[**Secretary under the authority of the MARPOL Protocol.**]** *Secretary or the Administrator under the authority of this Act.*

* * * * * * *

(e) In addition to the penalties prescribed in section 9 of the Act, a ship required by the MARPOL Protocol to have a certificate—

(1) which does not have a valid certificate onboard; or

(2) whose condition or whose equipment's condition does not substantially agree with the particulars of the certificate onboard;

shall be detained by order of the Secretary at the port or terminal where the violation is discovered until, in the opinion of the Secretary, the ship can proceed to sea without presenting an unreasonable threat of harm to the marine **[**environment.**]** *environment or*

the public health and welfare. The detention order may authorize the ship to proceed to the nearest appropriate available shipyard rather than remaining at the place where the violation was discovered.

* * * * * * *

SEC. 6. (a)(1) * * *

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(3) The Secretary and the Administrator, after consulting with appropriate Federal agencies, shall jointly prescribe regulations setting criteria for determining the adequacy of reception facilities for receiving ozone depleting substances, equipment containing such substances, and exhaust gas cleaning residues at a port or terminal, and stating any additional measures and requirements as are appropriate to ensure such adequacy. Persons in charge of ports and terminals shall provide reception facilities, or ensure that reception facilities are available, in accordance with those regulations. The Secretary and the Administrator may jointly prescribe regulations to certify, and may issue certificates to the effect, that a port's or terminal's facilities for receiving ozone depleting substances, equipment containing such substances, and exhaust gas cleaning residues from ships are adequate.

(b) In determining the adequacy of reception facilities required by the MARPOL Protocol or the Antarctic Protocol at a port or terminal, and in establishing regulations under subsection (a) of this section, the Secretary *or the Administrator* may consider, among other things, the number and types of ships or seagoing ships using the port or terminal, including their principal trades.

* * * * * * *

(e)(1) * * *

[(2) The Secretary may deny the entry of a ship to a port or terminal required by regulations issued under this section to provide adequate reception facilities for garbage if the port or terminal is not in compliance with those regulations.**]**

(2) The Secretary may deny the entry of a ship to a port or terminal required by the MARPOL Protocol, this Act, or regulations prescribed under this section relating to the provision of adequate reception facilities for garbage, ozone depleting substances, equipment containing those substances, or exhaust gas cleaning residues, if the port or terminal is not in compliance with the MARPOL Protocol, this Act, or those regulations.

(f)(1) The **[**Secretary is**]** *Secretary and the Administrator are* authorized to conduct surveys of existing reception facilities in the United States to determine measures needed to comply with the MARPOL Protocol or the Antarctic Protocol.

(2)**[**(A)**]** Not later than 18 months after the date of enactment of the Coast Guard Authorization Act of 1996, the Secretary shall promulgate regulations that require the operator of each port or terminal that is subject to any requirement of the MARPOL Protocol relating to reception facilities to post a placard in a location that can easily be seen by port and terminal users. The placard shall state, at a minimum, that a user of a reception facility of the port

or terminal should report to the Secretary any inadequacy of the reception facility.

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SEC. 8. (a) * * *

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[(f) Remedies and requirements of this Act supplement and neither amend nor repeal any other provisions of law, except as expressly provided in this Act. Nothing in this Act shall limit, deny, amend, modify, or repeal any other remedy available to the United States or any other person, except as expressly provided in this Act.]

(f)(1) The Secretary may inspect a ship to which this Act applies as provided under section 3(a)(5), to verify whether the ship is in compliance with Annex VI to the Convention and this Act.

(2) If an inspection under this subsection or any other information indicates that a violation has occurred, the Secretary, or the Administrator in a matter referred by the Secretary, may undertake enforcement action under this section.

(3) Notwithstanding subsection (b) and paragraph (2) of this subsection, the Administrator shall have all of the authorities of the Secretary, as specified in subsection (b) of this section, for the purposes of enforcing regulations 17 and 18 of Annex VI to the Convention to the extent that shoreside violations are the subject of the action and in any other matter referred to the Administrator by the Secretary.

SEC. 9. (a) A person who knowingly violates the MARPOL [Protocol,] *Protocol,* Annex IV to the Antarctic Protocol, This Act, or the regulations issued thereunder commits a class D felony. In the discretion of the Court, an amount equal to not more than ½ of such fine may be paid to the person giving information leading to conviction.

(b) A person who is found by the Secretary*, or the Administrator as provided for in this Act*, after notice and an opportunity for a hearing, to have—

(1) violated the MARPOL [Protocol,,] *Protocol,* Annex IV to the Antarctic Protocol, this Act, or the regulations issued thereunder shall be liable to the United States for a civil penalty, not to exceed $25,000 for each violation; or

(2) made a false, fictitious, or fraudulent statement or representation in any matter in which a statement or representation is required to be made to the Secretary*, or the Administrator as provided for in this Act*, under the MARPOL [Protocol,,] *Protocol,* Annex IV to the Antarctic Protocol, this Act, or the regulations thereunder, shall be liable to the United States for a civil penalty, not to exceed $5,000 for each statement or representation.

Each day of a continuing violation shall constitute a separate violation. The amount of the civil penalty shall be assessed by the Secretary*, or the Administrator as provided for in this Act*, or his designee, by written notice. In determining the amount of the penalty, the Secretary*, or the Administrator as provided for in this Act,* shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability

to pay, and other matters as justice may require. An amount equal to not more than ½ of such penalties may be paid by the Secretary*, or the Administrator as provided for in this Act,* to the person giving information leading to the assessment of such penalties.

(c) The Secretary*, or the Administrator as provided for in this Act,* may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to assessment or which has been assessed under this section. If any person fails to pay an assessment of a civil penalty after it has become final, the Secretary*, or the Administrator as provided for in this Act,* may refer the matter to the Attorney General of the United States for collection in any appropriate district court of the United States.

(d) A ship operated in violation of the MARPOL **[**Protocol,,**]** *Protocol,* Annex IV to the Antarctic Protocol, this Act, or the regulations thereunder is liable in rem for any fine imposed under subsection (a) or civil penalty assessed pursuant to subsection (b), and may be proceeded against in the United States district court of any district in which the ship may be found.

(e) If any ship subject to the MARPOL Protocol, Annex IV to the Antarctic Protocol, or this Act, its owner, operator, or person in charge is liable for a fine or civil penalty under this section, or if reasonable cause exists to believe that the ship, its owner, operator, or person in charge may be subject to a fine or civil penalty under this section, the Secretary of the Treasury, upon the request of the Secretary, shall refuse or revoke the clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91). Clearance may be granted upon the filing of a bond or other surety satisfactory to the Secretary.

(f) Notwithstanding subsection (a), (b), or (d) of this section, if the violation is by a ship registered in or of the nationality of a country party to the MARPOL Protocol or the Antarctic Protocol, or one operated under the authority of a country party to the MARPOL Protocol or the Antarctic Protocol, the Secretary*, or the Administrator as provided for in this Act*, acting in coordination with the Secretary of State, may refer the matter to the government of the country of the ship's registry or nationality, or under whose authority the ship is operating for appropriate action, rather than taking the actions required or authorized by this section.

SEC. 10. (a) * * *

(b) A proposed amendment to Annex I, II, or V to the Convention, appendices to those Annexes, or Protocol I of the Convention received by the United States from the Secretary-General of the International Maritime Organization pursuant to Article VI of the MARPOL Protocol, may be the subject of appropriate action on behalf of the United States by the Secretary of State following consultation with the Secretary, *or the Administrator as provided for in this Act,* who shall inform the Secretary of State as to what action he considers appropriate at least 30 days prior to the expiration of the period specified in Article VI of the MARPOL Protocol during which objection may be made to any amendment received.

* * * * * * *

[SEC. 15. Nothing in this Act shall be construed as limiting, diminishing, or otherwise restricting any of the authority of the Secretary under the Port and Tanker Safety Act of 1978 (Public Law 95–474).**]**

SEC. 15. EFFECT ON OTHER LAWS.

Authorities, requirements, and remedies of this Act supplement and neither amend nor repeal any other authorities, requirements, or remedies conferred by any other provision of law. Nothing in this Act shall limit, deny, amend, modify, or repeal any other authority, requirement, or remedy available to the United States or any other person, except as expressly provided in this Act.

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TITLE 40, UNITED STATES CODE

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SUBTITLE II—PUBLIC BUILDINGS AND WORKS

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CHAPTER 33—ACQUISITION, CONSTRUCTION, AND ALTERATION

Sec.
3301. Definitions and nonapplication.

* * * * * * *

[3313. Delegation.
[3314. Report to Congress.
[3315. Certain authority not affected.]
3313. Use of energy efficient lighting fixtures and bulbs.
3314. Maximum period for utility services contracts.
3315. Delegation.
3316. Report to Congress.
3317. Certain authority not affected.

* * * * * * *

§ 3307. Congressional approval of proposed projects

(a) * * *

(b) TRANSMISSION TO CONGRESS OF PROSPECTUS OF PROPOSED PROJECT.—To secure consideration for the approval referred to in subsection (a), the Administrator of General Services shall transmit to Congress a prospectus of the proposed facility, including—

(1) * * *

* * * * * * *

(5) a statement by the Administrator of the economic and other justifications for not acquiring a building identified to the Administrator under section 3303(c) of this title as suitable for the public building needs of the Government; [and]

(6) a statement of rents and other housing costs currently being paid by the Government for federal agencies to be housed in the building to be constructed, altered, or acquired, or the space to be leased[.]*; and*

(7) with respect to any prospectus for the construction, alteration, or acquisition of any building or space to be leased, an estimate of the future energy performance of the building or space and a specific description of the use of energy efficient

and renewable energy systems, including photovoltaic systems, in carrying out the project.

* * * * * * *

(f) MINIMUM PERFORMANCE REQUIREMENTS FOR LEASED SPACE.—With respect to space to be leased, the Administrator shall include, to the maximum extent practicable, minimum performance requirements requiring energy efficiency and the use of renewable energy.

[(f)**]** *(g)* LIMITATION ON LEASING CERTAIN SPACE.—

(1) * * *

* * * * * * *

[(g)**]** *(h)* DOLLAR AMOUNT ADJUSTMENT.—The Administrator annually may adjust any dollar amount referred to in this section to reflect a percentage increase or decrease in construction costs during the prior calendar year, as determined by the composite index of construction costs of the Department of Commerce. Any adjustment shall be expeditiously reported to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

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§ 3310. Special rules for leased buildings

For any building to be constructed for lease to, and for predominant use by, the Federal Government, the Administrator of General Services—

(1) * * *

* * * * * * *

(3) shall include in the solicitation for any lease requiring a prospectus under section 3307 an evaluation factor considering the extent to which the offeror will promote energy efficiency and the use of renewable energy;

[(3)**]** *(4)* shall inspect every building during construction to establish that the specifications established for the building are complied with;

[(4)**]** *(5)* on completion of the building, shall evaluate the building to determine the extent of failure to comply with the specifications referred to in clause (1); and

[(5)**]** *(6)* shall ensure that any contract entered into for the building shall contain provisions permitting a reduction of rent during any period when the building is not in compliance with the specifications.

* * * * * * *

§ 3313. Use of energy efficient lighting fixtures and bulbs

(a) CONSTRUCTION, ALTERATION, AND ACQUISITION OF PUBLIC BUILDINGS.—Each public building constructed, altered, or acquired by the Administrator of General Services shall be equipped, to the maximum extent feasible as determined by the Administrator, with lighting fixtures and bulbs that are energy efficient.

(b) MAINTENANCE OF PUBLIC BUILDINGS.—Each lighting fixture or bulb that is replaced by the Administrator in the normal course of maintenance of public buildings shall be replaced, to the max-

imum extent feasible, with a lighting fixture or bulb that is energy efficient.

(c) CONSIDERATIONS.—In making a determination under this section concerning the feasibility of installing a lighting fixture or bulb that is energy efficient, the Administrator shall consider—

(1) the life-cycle cost effectiveness of the fixture or bulb;

(2) the compatibility of the fixture or bulb with existing equipment;

(3) whether use of the fixture or bulb could result in interference with productivity;

(4) the aesthetics relating to use of the fixture or bulb; and

(5) such other factors as the Administrator determines appropriate.

(d) ENERGY STAR.—A lighting fixture or bulb shall be treated as being energy efficient for purposes of this section if—

(1) the fixture or bulb is certified under the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a); or

(2) the Administrator has otherwise determined that the fixture or bulb is energy efficient.

(e) APPLICABILITY OF BUY AMERICAN ACT.—Aquisitions carried out pursuant to this section shall be subject to the requirements of the Buy American Act (41 U.S.C. 10c et seq.).

(f) EFFECTIVE DATE.—The requirements of subsections (a) and (b) shall take effect one year after the date of enactment of this subsection.

§ 3314. Maximum period for utility service contracts

Notwithstanding section 501(b)(1)(B), the Administrator of General Services may contract for public utility services for a period of not more than 30 years if cost effective and necessary to promote the use of energy efficient and renewable energy systems, including photovoltaic systems.

§ [3313] *3315*. Delegation

(a) * * *

* * * * * * *

§ [3314] *3316*. Report to Congress

(a) * * *

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§ [3315] *3317*. Certain authority not affected

This chapter does not limit or repeal the authority conferred by law on the United States Postal Service.

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NATIONAL ENERGY CONSERVATION POLICY ACT

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TITLE V—FEDERAL ENERGY INITIATIVE

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PART 3—FEDERAL ENERGY MANAGEMENT

* * * * * * *

SEC. 544. ESTABLISHMENT AND USE OF LIFE CYCLE COST METHODS AND PROCEDURES.

(a) ESTABLISHMENT OF LIFE CYCLE COST METHODS AND PROCEDURES.—The Secretary, in consultation with the Director of the Office of Management and Budget, the Secretary of Defense, the Director of the National Institute of Standards and Technology, and the Administrator of the General Services Administration, shall—

(1) establish practical and effective present value methods for estimating and comparing life cycle costs for Federal buildings, using the sum of all capital and operating expenses associated with the energy system of the building involved over the expected life of such system or during a period of **[**25**]** *40* years, whichever is shorter, and using average fuel costs and a discount rate determined by the Secretary; and

* * * * * * *

MINORITY VIEWS

Although this legislation was originally marked up in Committee to attach to a larger energy package, H.R. 2701 did absolutely nothing to contribute to our nation's energy production.

ELIGIBILITY FOR CONGESTION RELIEF PROJECTS

An amendment was offered and rejected that would have allowed States to use their Congestion. Mitigation and Air Quality program funds for projects designed to relieve congestion, including the construction of new highway capacity if the project can be demonstrated to reduce fuel consumption or lead to attainment of air quality standards. Currently the Congestion Mitigation and Air Quality (CMAQ) program can not fund projects that construct additional highway capacity unless those new highway lanes are reserved for High Occupancy Vehicles (HOV).

The CMAQ program as it is currently written is one of the most under utilized Federal highway programs because the restrictive nature of the program makes it very unattractive to State Departments of Transportation. Over the last ten years $2.2 billion in CMAQ funding has gone unobligated by State DOTs. The unattractive nature of the program is also evidenced in how State DOTs have applied rescissions of highway contract authority. States have chosen to take 20 percent of their required rescissions in contract authority from the CMAQ program despite the fact that the program only represents 4 percent of all highway funding.

This amendment would have made the CMAQ program a more attractive source of funding because it would have expanded eligibility to include the construction of additional highway capacity. However, the Majority refused to accept this amendment even though the funding could only be used on projects that would reduce fuel consumption or improve air quality.

PERMIT STREAMLINING FOR HAZARDOUS LIQUID AND BIOFUEL PIPELINES

An amendment was offered and defeated that would have streamlined the permitting process for the construction of new pipelines and for the repair of damaged pipelines. The amendment was consistent with applicable statutory and regulatory requirements under the National Environmental Protection Act and under the Endangered Species Act.

The amendment would have created a Chief Environmental Permit Officer at the Department of Transportation. The Chief Environmental Permit Officer would serve as a liaison between government permitting officials and the pipeline operators during the government review of pipeline repair and construction projects to expedite the process while maintaining the protection of human health, public safety and the environment.

A key obstacle for the transition to alternative fuels such as ethanol is the need for more capacity for the safe transportation of these fuels by pipeline. However, to construct a new pipeline the pipeline operator must go through an environmental permitting and authorization process that is lengthy and expensive. This complicated and lengthy process discourages private pipeline operators from investing in the infrastructure necessary to deliver these alternative fuels to market.

This amendment also streamlined the process by which pipeline operators obtain permits to repair damaged pipelines. The existing permitting process for repairs to pipelines is unnecessarily slow and repetitive. While a pipeline operator waits for approval to make repairs to a damaged pipeline there is a greater risk of the pipeline failing and polluting our streams and watersheds and watersheds with hazardous liquids.

The flaws with the existing permitting process are demonstrated with the rupture of a pipeline near Sacramento California in 2004. In August 2003 the pipeline operator detected a weakness in the pipeline and immediately began the permitting process which took 10 months and involved 5 different environmental agencies. Unfortunately in April 2004, while the company waited for the repair permit to be issued the pipeline ruptured and released over 80,000 gallons of diesel fuel into a marsh. This spill would not have happened had the pipeline operator been able to proceed with repairs in a timely manner.

HYDROPOWER

The Majority also refused to accept an amendment focused on the tremendous benefit to our environment and economy provided by the hydropower system in the United States and the river transportation system made possible through its existence.

The contribution of hydropower to our domestic energy needs is significant as is its potential. The annual hydropower electricity produced in the United States equals the energy produced from 200 million barrels of oil. A recent Department of Energy study concluded that 33 states could increase their hydropower generation by 100% or more and 41 states could realize increases of more than 50%.

The environmental benefit of hydropower is unquestionable, and the replacement forms of energy are costly in many terms. Hydropower turbines convert more than 90% of available energy into electricity. Hydropower produces zero greenhouse gas emissions. The National Hydropower Association documents indicate that in 2004, more than 160 million tons of carbon emissions were avoided in the U.S. when 268 million megawatthours of hydroelectricity were generated. Nationally, hydropower production offsets more carbon emissions than all the other renewable energy resources combined.

In addition to the clean energy hydropower produces, the navigable waterways used for commercial shipping and transport made possible by the hydropower systems are essential, as is the need to lock systems that keep these waterways viable. In shipping terms, it would take 870 tractor trailers to carry what one 15-barge tow on our navigable waterways can carry. One barge alone removes 58

tractor trailers from our already-crowded roads and highways. The tugboat, towboat, and barge industry use the waterways to move 15 percent of the nation's freight for only 2 percent of the total freight bill.

The amendment rejected by the Majority instructed the Corps of Engineers to study hydropower impacts in a more robust manner than the underlying bill. The underlying bill only asked the Corps to review existing hydropower facilities, neglecting America's energy needs by avoiding action. To merely look at existing sites misses the point, since the United States must also review proposals to construct new hydropower facilities.

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