

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—111th Cong., 1st Sess.**

**(no.)** \_\_\_\_\_

To create clean energy jobs, promote energy independence, reduce global warming pollution, and transition to a clean energy economy.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by \_\_\_\_\_

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

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

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Clean Energy Jobs and American Power Act”.

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

- 8 Sec. 1. Short title; table of contents.
- 9 Sec. 2. Findings.
- 10 Sec. 3. Economywide emission reduction goals.
- 11 Sec. 4. Definitions.

DIVISION A—AUTHORIZATIONS FOR POLLUTION REDUCTION,  
TRANSITION, AND ADAPTATION

- 12 Sec. 101. Structure of Act.  
19 Sec. 102. Requirements relating to Federal advisory committees.

TITLE I—GREENHOUSE GAS REDUCTION PROGRAMS

Subtitle A—Clean Transportation

- 26 Sec. 111. Emission standards.

“PART B—MOBILE SOURCES

- 27 “Sec. 821. Greenhouse gas emission standards for mobile sources.  
31 Sec. 112. Greenhouse gas emission reductions through transportation efficiency.

“PART C—TRANSPORTATION EMISSIONS

- 32 “Sec. 831. Greenhouse gas emission reductions through transportation ef-  
ficiency.  
71 Sec. 113. Transportation greenhouse gas emission reduction program grants.  
71 “Sec. 832. Transportation greenhouse gas emission reduction program  
grants.  
78 Sec. 114. Smartway transportation efficiency program.  
78 “Sec. 822. SmartWay transportation efficiency program.

Subtitle B—Carbon Capture and Sequestration

- 83 Sec. 121. National strategy.  
85 Sec. 122. Regulations for geological sequestration sites.  
85 “Sec. 813. Geological storage sites.  
89 Sec. 123. Studies and reports.  
92 Sec. 124. Performance standards for new coal-fueled power plants.  
92 “Sec. 812. Performance standards for new coal-fired power plants.  
100 Sec. 125. Carbon capture and sequestration demonstration and early deploy-  
ment program.

Subtitle C—Nuclear and Advanced Technologies

- 127 Sec. 131. Findings and policy.  
126 Sec. 132. Nuclear worker training.  
127 Sec. 133. Nuclear safety and waste management programs.

Subtitle D—Water Efficiency

- 131 Sec. 141. WaterSense.  
135 Sec. 142. Federal procurement of water-efficient products.  
141 Sec. 143. State residential water efficiency and conservation incentives pro-  
gram.

Subtitle E—Miscellaneous

- 146 Sec. 151. Office of Consumer Advocacy.  
151 Sec. 152. Clean technology business competition grant program.  
153 Sec. 153. Product carbon disclosure program.  
160 Sec. 154. State recycling programs.  
170 Sec. 155. Supplemental agriculture and forestry greenhouse gas reduction and  
renewable energy program.

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- 177 Sec. 156. Economic Development Climate Change Fund.  
 177 "Sec. 219. Economic Development Climate Change Fund.  
 179 Sec. 157. Study of risk-based programs addressing vulnerable areas.  
 180 Sec. 158. Efficient Buildings Program.

Subtitle F—Energy Efficiency and Renewable Energy

- 182 Sec. 161. Renewable energy.  
 195 Sec. 162. Advanced biofuels.  
 200 Sec. 163. Energy efficiency in building codes.  
 202 Sec. 164. Retrofit for energy and environmental performance.  
 225 Sec. 165. Certified stoves program.  
 231 Sec. 166. Renewable fuel standard.

Subtitle G—Emission Reductions From Public Transportation Vehicles

- 234 Sec. 171. Short title.  
 234 Sec. 172. State fuel economy regulation for taxicabs.  
 235 Sec. 173. State regulation of motor vehicle emissions for taxicabs.

Subtitle H—Clean Energy and Natural Gas

- 230 Sec. 181. Clean Energy and Accelerated Emission Reduction Program.  
 239 Sec. 182. Advanced natural gas technologies.

TITLE II—RESEARCH

Subtitle A—Energy Research

- 243 Sec. 201. Advanced energy research.

Subtitle B—Drinking Water Adaptation, Technology, Education, and  
Research

- 244 Sec. 211. Effects of climate change on drinking water utilities.

TITLE III—TRANSITION AND ADAPTATION

Subtitle A—Green Jobs and Worker Transition

PART 1—GREEN JOBS

- 254 Sec. 301. Clean energy curriculum development grants.  
 253 Sec. 302. Development of Information and Resources clearinghouse for vocational education and job training in renewable energy sectors.  
 261 Sec. 303. Green construction careers demonstration project.

PART 2—CLIMATE CHANGE WORKER ADJUSTMENT ASSISTANCE

- 266 Sec. 311. Petitions, eligibility requirements, and determinations.  
 277 Sec. 312. Program benefits.  
 299 Sec. 313. General provisions.

Subtitle B—International Climate Change Programs

- 321 Sec. 321. Strategic Interagency Board on International Climate Investment.  
 322 Sec. 322. Emission reductions from reduced deforestation.

“PART V—SUPPLEMENTAL EMISSION REDUCTIONS

- 322 “Sec. 751. Definitions.  
 323 “Sec. 752. Purposes.  
 324 “Sec. 753. Emission reductions from reduced deforestation.  
 325 Sec. 323. International Clean Energy Deployment Program.  
 327 Sec. 324. International climate change adaptation and global security program.  
 328 Sec. 325. Evaluation and reports.  
 329 Sec. 326. Report on climate actions of major economies.

Subtitle C—Adapting to Climate Change

PART 1—DOMESTIC ADAPTATION

SUBPART A—NATIONAL CLIMATE CHANGE ADAPTATION PROGRAM

- 331 Sec. 341. National Climate Change Adaptation Program.  
 331 Sec. 342. Climate services.

SUBPART B—PUBLIC HEALTH AND CLIMATE CHANGE

- 332 Sec. 351. Sense of Congress on public health and climate change.  
 334 Sec. 352. Relationship to other laws.  
 334 Sec. 353. National strategic action plan.  
 342 Sec. 354. Advisory board.  
 343 Sec. 355. Reports.  
 344 Sec. 356. Definitions.

SUBPART C—CLIMATE CHANGE SAFEGUARDS FOR NATURAL RESOURCES  
 CONSERVATION

- 345 Sec. 361. Purposes.  
 345 Sec. 362. Natural resources climate change adaptation policy.  
 346 Sec. 363. Definitions.  
 349 Sec. 364. Council on Environmental Quality.  
 350 Sec. 365. Natural Resources Climate Change Adaptation Panel.  
 352 Sec. 366. Natural Resources Climate Change Adaptation Strategy.  
 355 Sec. 367. Natural resources adaptation science and information.  
 364 Sec. 368. Federal natural resource agency adaptation plans.  
 368 Sec. 369. State natural resources adaptation plans.  
 379 Sec. 370. Natural Resources Climate Change Adaptation Account.  
 391 Sec. 371. National Fish and Wildlife Habitat and Corridors Information Program.  
 398 Sec. 372. Additional provisions regarding Indian tribes.

SUBPART D—ADDITIONAL CLIMATE CHANGE ADAPTATION PROGRAMS

- 399 Sec. 381. Water system mitigation and adaptation partnerships.  
 409 Sec. 382. Flood control, protection, prevention, and response.  
 411 Sec. 383. Wildfire.  
 416 Sec. 384. Coastal and Great Lakes State adaptation program.

DIVISION B—POLLUTION REDUCTION AND INVESTMENT

TITLE I—REDUCING GLOBAL WARMING POLLUTION

Subtitle A—Reducing Global Warming Pollution

- 422 Sec. 101. Reducing global warming pollution.

“TITLE VII—GLOBAL WARMING POLLUTION REDUCTION AND  
INVESTMENT PROGRAM

“PART A—GLOBAL WARMING POLLUTION REDUCTION GOALS AND TARGETS

- 422 “Sec. 701. Findings.  
 425 “Sec. 702. Economywide reduction goals.  
 426 “Sec. 703. Reduction targets for specified sources.  
 427 “Sec. 704. Supplemental pollution reductions.  
 428 “Sec. 705. Review and program recommendations.  
 440 “Sec. 706. National Academy review.  
 442 “Sec. 707. Presidential response and recommendations.  
 443 “Sec. 708. Consultation with States.

“PART B—DESIGNATION AND REGISTRATION OF GREENHOUSE GASES

- 443 “Sec. 711. Designation of greenhouse gases.  
 452 “Sec. 712. Carbon dioxide equivalent value of greenhouse gases.  
 455 “Sec. 713. Greenhouse gas registry.  
 468 “Sec. 714. Perfluorocarbon and other nonhydrofluorocarbon fluorinated  
 substance production regulation.

“PART C—PROGRAM RULES

- 472 “Sec. 721. Emission allowances.  
 483 “Sec. 722. Prohibition of excess emissions.  
 501 “Sec. 723. Penalty for noncompliance.  
 504 “Sec. 724. Trading.  
 505 “Sec. 725. Banking and borrowing.  
 508 “Sec. 726. Market Stability Reserve.  
 520 “Sec. 727. Permits.  
 523 “Sec. 728. International emission allowances.

“PART D—OFFSETS

- 526 “Sec. 731. Offsets Integrity Advisory Board.  
 530 “Sec. 732. Establishment of offsets program.  
 532 “Sec. 733. Eligible project types.  
 538 “Sec. 734. Requirements for offset projects.  
 548 “Sec. 735. Approval of offset projects.  
 550 “Sec. 736. Verification of offset projects.  
 553 “Sec. 737. Issuance of offset credits.  
 555 “Sec. 738. Audits.  
 556 “Sec. 739. Program review and revision.  
 557 “Sec. 740. Early offset supply.  
 561 “Sec. 741. Environmental considerations.  
 562 “Sec. 742. Trading.  
 562 “Sec. 743. Office of Offsets Integrity.  
 564 “Sec. 744. International offset credits.  
 594 Sec. 102. Definitions.  
 594 “Sec. 700. Definitions.  
 616 Sec. 103. Offset reporting requirements.

Subtitle B—Disposition of Allowances

- 617 Sec. 111. Disposition of allowances for global warming pollution reduction pro-  
 gram.

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## “PART H—DISPOSITION OF ALLOWANCES

- 607 “Sec. 771. Allocation of emission allowances.  
642 “Sec. 772. Electricity consumers.  
688 “Sec. 773. Natural gas consumers.  
697 “Sec. 774. Home heating oil and propane consumers.  
702 “Sec. 775. Domestic fuel production.  
704 “Sec. 776. Consumer protection.  
707 “Sec. 777. Exchange for State-issued allowances.  
708 “Sec. 778. Auction procedures.  
714 “Sec. 779. Auctioning allowances for other entities.  
716 “Sec. 780. Commercial deployment of carbon capture and permanent sequestration technologies.  
771 “Sec. 781. Oversight of allocations.  
773 “Sec. 782. Early action recognition.  
776 “Sec. 783. Establishment of Deficit Reduction Fund.

## Subtitle C—Additional Greenhouse Gas Standards

- 776 Sec. 121. Greenhouse gas standards.

## “TITLE VIII—ADDITIONAL GREENHOUSE GAS STANDARDS

- 777 “Sec. 801. Definitions.

## “PART A—STATIONARY SOURCE STANDARDS

- 777 “Sec. 811. Standards of performance.  
777 Sec. 122. HFC regulation.  
779 “Sec. 619. Hydrofluorocarbons (HFCs).  
828 Sec. 123. Black carbon.

## “PART E—BLACK CARBON

- 833 “Sec. 851. Black carbon.  
835 Sec. 124. States.  
836 Sec. 125. State programs.

## “PART F—MISCELLANEOUS

- 836 “Sec. 861. State programs.  
837 “Sec. 862. Grants for support of air pollution control programs.  
838 Sec. 126. Enforcement.  
840 Sec. 127. Forestry sector greenhouse gas accounting.  
841 Sec. 128. Conforming amendments.  
844 Sec. 129. Davis-Bacon compliance.

## Subtitle D—Carbon Market Assurance

- 846 Sec. 131. Carbon market assurance.

## Subtitle E—Ensuring Real Reductions in Industrial Emissions

- 848 Sec. 141. Ensuring real reductions in industrial emissions.

## “PART F—ENSURING REAL REDUCTIONS IN INDUSTRIAL EMISSIONS

- 848 “Sec. 761. Purposes.  
849 “Sec. 762. Definitions.

- 850 "Sec. 763. Eligible industrial sectors.  
 860 "Sec. 764. Distribution of emission allowance rebates.  
 872 "Sec. 765. International trade.

#### TITLE II—PROGRAM ALLOCATIONS

- 872 Sec. 201. Distribution of allowances for investment in clean vehicles.  
 881 Sec. 202. State and local investment in energy efficiency and renewable energy.  
 896 Sec. 203. Energy efficiency in building codes.  
 897 Sec. 204. Energy Innovation Hubs.  
 897 Sec. 205. ARPA-E research.  
 899 Sec. 206. International clean energy deployment program.  
 899 Sec. 207. International climate change adaptation and global security.  
 899 Sec. 208. Energy efficiency and renewable energy worker training.  
 900 Sec. 209. Worker transition.  
 900 Sec. 210. State programs for greenhouse gas reduction and climate adaptation.  
 918 Sec. 211. Climate Change Health Protection and Promotion Fund.  
 920 Sec. 212. Climate change safeguards for natural resources conservation.  
 920 Sec. 213. Nuclear worker training.  
 921 Sec. 214. Supplemental agriculture, renewable energy, and forestry.  
 921 Sec. 215. Investment in greenhouse gas reductions from the transportation sector.  
 924 Sec. 216. State programs for natural resource adaptation activities.

### 1 SEC. 2. FINDINGS.

2 Congress finds that—

3 (1) the United States can take back control of  
 4 the energy future of the United States, strengthen  
 5 economic competitiveness, safeguard the health of  
 6 families and the environment, and ensure the na-  
 7 tional security, of the United States by increasing  
 8 energy independence;

9 (2) creating a clean energy future requires a  
 10 comprehensive approach that includes support for  
 11 the improvement of all energy sources, including  
 12 coal, natural gas, nuclear power, and renewable gen-  
 13 eration;

14 (3) efficiency in the energy sector also rep-  
 15 resents a critical avenue to reduce energy consump-