

[CONSENSUS STAFF DRAFT]

107TH CONGRESS
1ST SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. ---- introduced the following bill; which was referred to the Committee on

A BILL

To enhance energy conservation, provide for security and diversity in the energy supply for the American people, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Energy Advancement and Conservation Act of 2001”.

6 (b) TABLE OF CONTENTS.—

Sec. 1. Short title and table of contents.



TITLE I—NUCLEAR ENERGY

- Sec. 101. Budget status of nuclear waste fund.
- Sec. 102. License period.
- Sec. 103. Cost recovery from government agencies.

TITLE II—HYDROELECTRIC ENERGY

- Sec. 201. Alternative conditions and fishways.
- Sec. 202. FERC data on hydroelectric licensing.

TITLE III—CLEAN COAL

- Sec. 301. Short title.
- Sec. 302. Findings.

Subtitle A—Accelerated Clean Coal Power Production Program

- Sec. 311. Definitions.
- Sec. 312. Cost and performance goals.
- Sec. 313. Study.
- Sec. 314. Commercial application.
- Sec. 315. Authorization of appropriations.
- Sec. 316. Clean coal power commercial applications initiative.
- Sec. 317. Financial assistance.

Subtitle B—Credit for Emission Reductions and Efficiency Improvements in Existing Coal-Based Electricity Generation Facilities

- Sec. 331. Credit for investment in qualifying clean coal technology.
- Sec. 332. Credit for production from a qualifying clean coal technology unit.

Subtitle C—Incentives for Early Commercial Applications of Advanced Clean Coal Technologies

- Sec. 341. Credit for investment in qualifying advanced clean coal technology.
- Sec. 342. Credit for production from qualifying advanced clean coal technology.
- Sec. 343. Risk pool for qualifying advanced clean coal technology.

Subtitle D—Treatment of Certain Governmental and Other Entities

- Sec. 351. Credits for certain organizations and governmental units.

TITLE IV—BOUTIQUE FUELS

- Sec. 401. Tank draining during transition to summertime RFG.
- Sec. 402. Gasoline blendstock requirements.
- Sec. 403. Boutique fuels.

TITLE V—ENERGY CONSERVATION

Subtitle A—Reauthorization of Federal Energy Conservation Programs

- Sec. 511. Authorization of appropriations.

Subtitle B—Federal Leadership in Energy Conservation

- Sec. 521. Federal facilities and national energy security.
- Sec. 522. Enhancement and extension of authority relating to Federal energy savings performance contracts.



- Sec. 523. Clarification and enhancement of authority to enter utility incentive programs for energy savings.
- Sec. 524. Federal central air conditioner and heat pump efficiency.
- Sec. 525. Federal Energy Bank.

Subtitle C—State Programs

- Sec. 531. Amendments to State energy programs.
- Sec. 532. Reauthorization of energy conservation program for schools and hospitals.
- Sec. 533. Amendments to weatherization assistance program.
- Sec. 534. LIHEAP.
- Sec. 535. High performance public buildings.

Subtitle D—Energy Efficiency for Consumer Products

- Sec. 541. Energy Star Program.
- Sec. 542. Labeling of energy efficient appliances.
- Sec. 543. Appliance standards.

Subtitle E—Energy Efficient Vehicles

- Sec. 551. High occupancy vehicle exception.

1 **TITLE I—NUCLEAR ENERGY**

2 **SEC. 101. BUDGET STATUS OF NUCLEAR WASTE FUND.**

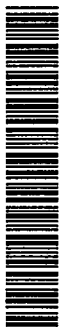
3 (a) IN GENERAL.—Notwithstanding any other provi-
4 sion of law, the receipts and disbursements of the Nuclear
5 Waste Fund established under section 302 of the Nuclear
6 Waste Policy Act of 1982 (42 U.S.C. 10222) shall not
7 be counted as new budget authority, outlays, receipts, or
8 deficit or surplus for purposes of—

9 (1) the budget of the United States Govern-
10 ment as submitted by the President;

11 (2) the congressional budget; or

12 (3) the Balanced Budget and Emergency Def-
13 icit Control Act of 1985.

14 (b) EFFECT ON PAYGO SCORECARD.—Upon the en-
15 actment of this Act, the Director of the Office of Manage-



1 ment and Budget shall not make any estimates of changes
 2 in direct spending outlays and receipts under section
 3 252(d) of the Balanced Budget and Emergency Deficit
 4 Control Act of 1985 resulting from the enactment of sub-
 5 section (a) of this section.

6 **SEC. 102. LICENSE PERIOD.**

7 Section 103 c. of the Atomic Energy Act of 1954 (42
 8 U.S.C. 2133(c)) is amended—

9 (1) by striking “c. Each such” and inserting
 10 the following:

11 “c. LICENSE PERIOD.—

12 “(1) IN GENERAL.—Each such”; and

13 (2) by adding at the end the following:

14 “(2) COMBINED LICENSES.—In the case of a
 15 combined construction and operating license issued
 16 under section 185 b., the initial duration of the li-
 17 cense may not exceed 40 years from the date on
 18 which the Commission finds, before operation of the
 19 facility, that the acceptance criteria required by sec-
 20 tion 185 b. are met.”.

21 **SEC. 103. COST RECOVERY FROM GOVERNMENT AGENCIES.**

22 Section 161 w. of the Atomic Energy Act of 1954
 23 (42 U.S.C. 2201(w)) is amended—

24 (1) by striking “for or is issued” and all that
 25 follows through “1702” and inserting “to the Com-



1 mission for, or is issued by the Commission, a li-
2 cense or certificate”;

3 (2) by striking “483a” and inserting “9701”;
4 and

5 (3) by striking “, of applicants for, or holders
6 of, such licenses or certificates”.

7 **TITLE II—HYDROELECTRIC**
8 **ENERGY**

9 **SEC. 201. ALTERNATIVE CONDITIONS AND FISHWAYS.**

10 (a) ALTERNATIVE MANDATORY CONDITIONS.—Sec-
11 tion 4 of the Federal Power Act (16 U.S.C. 797) is
12 amended by adding at the end the following:

13 “(h)(1) Whenever any person applies for a license for
14 any project works within any reservation of the United
15 States, and the Secretary of the department under whose
16 supervision such reservation falls deems a condition to
17 such license to be necessary under the first proviso of sub-
18 section (e), the license applicant or any other party to the
19 licensing proceeding may propose an alternative condition.

20 “(2) Notwithstanding the first proviso of subsection
21 (e), the Secretary of the department under whose super-
22 vision the reservation falls shall accept the proposed alter-
23 native condition referred to in paragraph (1), and the
24 Commission shall include in the license such alternative
25 condition, if the Secretary of the appropriate department



1 determines, based on substantial evidence provided by the
2 party proposing such alternative condition, that the alter-
3 native condition—

4 “(A) provides no less protection for the reserva-
5 tion than provided by the condition deemed nec-
6 essary by the Secretary; and

7 “(B) will either—

8 “(i) cost less to implement, or

9 “(ii) result in improved operation of the
10 project works for electricity production

11 as compared to the condition deemed necessary by
12 the Secretary.

13 “(3) Within one year after the enactment of this sub-
14 section, each Secretary concerned shall, by rule, establish
15 a process to expeditiously resolve conflicts arising under
16 this subsection.”.

17 (b) ALTERNATIVE FISHWAYS.—Section 18 of the
18 Federal Power Act (16 U.S.C. 811) is amended by—

19 (1) inserting “(a)” before the first sentence;

20 and

21 (2) adding at the end the following:

22 “(b)(1) Whenever the Commission shall require a li-
23 censee to construct, maintain, or operate a fishway pre-
24 scribed by the Secretary of the Interior or the Secretary
25 of Commerce under this section, the licensee or any other



1 party to the proceeding may propose an alternative to such
2 prescription to construct, maintain, or operate a fishway.

3 “(2) Notwithstanding subsection (a), the Secretary of
4 the Interior or the Secretary of Commerce, as appropriate,
5 shall accept and prescribe, and the Commission shall re-
6 quire, the proposed alternative referred to in paragraph
7 (1), if the Secretary of the appropriate department deter-
8 mines, based on substantial evidence provided by the party
9 proposing such alternative, that the alternative—

10 “(A) will be no less effective than the fishway
11 initially prescribed by the Secretary, and

12 “(B) will either—

13 “(i) cost less to implement, or

14 “(ii) result in improved operation of the
15 project works for electricity production
16 as compared to the fishway initially prescribed by
17 the Secretary.

18 “(3) Within one year after the enactment of this sub-
19 section, the Secretary of the Interior and the Secretary
20 of Commerce shall each, by rule, establish a process to
21 expeditiously resolve conflicts arising under this sub-
22 section.”

23 **SEC. 202. FERC DATA ON HYDROELECTRIC LICENSING.**

24 (a) DATA COLLECTION PROCEDURES.—The Federal
25 Energy Regulatory Commission shall revise its procedures



AMENDMENT TO STAFF DRAFT
OFFERED BY MRS. WILSON

Page 5, after line 6, insert the following new section,
and make the necessary change to the table of contents:

1 **SEC. 104. PROHIBITION OF COMMERCIAL SALES OF URA-**
2 **NIUM BY THE UNITED STATES UNTIL 2009.**

3 Section 3112 of the USEC Privatization Act (42
4 U.S.C. 2297h-10) is amended by adding at the end the
5 following new subsection:

6 “(g) PROHIBITION ON SALES.—Notwithstanding any
7 other provision of law, the United States Government shall
8 not sell or transfer any uranium (including natural ura-
9 nium concentrates, natural uranium hexafluoride, en-
10 riched uranium, depleted uranium, or uranium in any
11 other form) through March 23, 2009 (except sales or
12 transfers for use by the Tennessee Valley Authority in re-
13 lation to the Department of Energy’s HEU or Tritium
14 programs, or the Department or Energy research reactor
15 sales program, or for emergency purposes in the event of
16 a disruption in supply to end users in the United States).
17 The aggregate of sales or transfers of uranium by the
18 United States Government after March 23, 2009, shall not
19 exceed 3,000,000 pounds U₃O₈ per calendar year.”.

AMENDMENT TO STAFF DRAFT
OFFERED BY MRS. WILSON

Page 5, after line 6, insert the following new section,
and make the necessary change to the table of contents:

1 **SEC. 104. COOPERATIVE RESEARCH AND DEVELOPMENT**
2 **AND SPECIAL DEMONSTRATION PROJECTS**
3 **FOR THE URANIUM MINING INDUSTRY.**

4 (a) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated to the Secretary
6 \$10,000,000 for each of fiscal years 2002, 2003, and
7 2004—

8 (1) for cooperative, cost-shared, agreements be-
9 tween the Department of Energy and domestic ura-
10 nium producers to identify, test, and develop im-
11 proved in situ leaching mining technologies, includ-
12 ing low-cost environmental restoration technologies
13 that may be applied to sites after completion of in
14 situ leaching operations; and

15 (2) for funding for competitively selected dem-
16 onstration projects with domestic uranium producers
17 relating to—

18 (A) enhanced production with minimal en-
19 vironmental impacts;

20 (B) restoration of well fields; and

1 (C) decommissioning and decontamination
2 activities.

3 (b) DOMESTIC URANIUM PRODUCER.—For purposes
4 of this section, the term “domestic uranium producer” has
5 the meaning given that term in section 1018(4) of the En-
6 ergy Policy Act of 1992 (42 U.S.C. 2296b-7(4)), except
7 that the term shall not include any producer that has not
8 produced uranium from domestic reserves on or after July
9 30, 1998.

(WILSON/LARGENT AMENDMENT)**AMENDMENT TO STAFF DRAFT****OFFERED BY MRS. WILSON**

Page 5, after line 6, insert the following new sections, and make the necessary changes to the table of contents:

1 **SEC. 104. INDEMNIFICATION AUTHORITY.**

2 (a) INDEMNIFICATION OF NUCLEAR REGULATORY
3 COMMISSION LICENSEES.—Section 170 c. of the Atomic
4 Energy Act of 1954 (42 U.S.C. 2210(c)) is amended—

5 (1) in the subsection heading, by striking “LI-
6 CENSES” and inserting “LICENSEES”; and

7 (2) by striking “August 1, 2002” each place it
8 appears and inserting “August 1, 2012”.

9 (b) INDEMNIFICATION OF DEPARTMENT OF ENERGY
10 CONTRACTORS.—Section 170 d.(1)(A) of the Atomic En-
11 ergy Act of 1954 (42 U.S.C. 2210(d)(1)(A)) is amended
12 by striking “, until August 1, 2002,”.

13 (c) INDEMNIFICATION OF NONPROFIT EDUCATIONAL
14 INSTITUTIONS.—Section 170 k. of the Atomic Energy Act
15 of 1954 (42 U.S.C. 2210(k)) is amended by striking “Au-
16 gust 1, 2002” each place it appears and inserting “August
17 1, 2012”.

1 **SEC. 105. MAXIMUM ASSESSMENT.**

2 Section 170 b.(1) of the Atomic Energy Act of 1954
3 (42 U.S.C. 2210(b)(1)) is amended in the second proviso
4 of the third sentence by striking "\$10,000,000" and in-
5 serting "\$20,000,000".

6 **SEC. 106. DEPARTMENT OF ENERGY LIABILITY LIMIT.**

7 (a) **AGGREGATE LIABILITY LIMIT.**—Section 170 d.
8 of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d))
9 is amended by striking paragraph (2) and inserting the
10 following:

11 "(2) **LIABILITY LIMIT.**—In an agreement of indem-
12 nification entered into under paragraph (1), the
13 Secretary—

14 "(A) may require the contractor to provide and
15 maintain the financial protection of such a type and
16 in such amounts as the Secretary shall determine to
17 be appropriate to cover public liability arising out of
18 or in connection with the contractual activity; and

19 "(B) shall indemnify the persons indemnified
20 against such liability above the amount of the finan-
21 cial protection required, in the amount of
22 \$10,000,000,000 (subject to adjustment for inflation
23 under subsection t.), in the aggregate, for all per-
24 sons indemnified in connection with the contract and
25 for each nuclear incident, including such legal costs
26 of the contractor as are approved by the Secretary."

1 (b) CONTRACT AMENDMENTS.—Section 170 d. of the
2 Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is
3 amended by striking paragraph (3) and inserting the fol-
4 lowing:

5 “(3) CONTRACT AMENDMENTS.—All agreements of
6 indemnification under which the Department of Energy
7 (or its predecessor agencies) may be required to indemnify
8 any person shall be deemed to be amended, on the date
9 of enactment of the Energy Advancement and Conserva-
10 tion Act of 2001, to reflect the amount of indemnity for
11 public liability and any applicable financial protection re-
12 quired of the contractor under this subsection on that
13 date.”.

14 **SEC. 107. INCIDENTS OUTSIDE THE UNITED STATES.**

15 (a) AMOUNT OF INDEMNIFICATION.—Section 170
16 d.(5) of the Atomic Energy Act of 1954 (42 U.S.C.
17 2210(d)(5)) is amended by striking “\$100,000,000” and
18 inserting “\$500,000,000”.

19 (b) LIABILITY LIMIT.—Section 170 e.(4) of the
20 Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(4)) is
21 amended by striking “\$100,000,000” and inserting
22 “\$500,000,000”.

1 **SEC. 108. REPORTS.**

2 Section 170 p. of the Atomic Energy Act of 1954 (42
3 U.S.C. 2210(p)) is amended by striking “August 1, 1998”
4 and inserting “August 1, 2008”.

5 **SEC. 109. INFLATION ADJUSTMENT.**

6 Section 170 t. of the Atomic Energy Act of 1954 (42
7 U.S.C. 2210(t)) is amended—

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

10 (2) by adding after paragraph (1) the following:

11 “(2) ADJUSTMENT.—The Secretary shall adjust the
12 amount of indemnification provided under an agreement
13 of indemnification under subsection d. not less than once
14 during each 5-year period following the date of enactment
15 of the Energy Advancement and Conservation Act of
16 2001, in accordance with the aggregate percentage change
17 in the Consumer Price Index since—

18 “(A) that date of enactment, in the case of the
19 first adjustment under this subsection; or

20 “(B) the previous adjustment under this sub-
21 section.”.

22 **SEC. 110. CIVIL PENALTIES.**

23 (a) REPEAL OF AUTOMATIC REMISSION.—Section
24 234A b.(2) of the Atomic Energy Act of 1954 (42 U.S.C.
25 2282a(b)(2)) is amended by striking the last sentence.

1 (b) LIMITATION FOR NONPROFIT INSTITUTIONS.—
2 Section 234A of the Atomic Energy Act of 1954 (42
3 U.S.C. 2282a) is amended by striking subsection d. and
4 inserting the following:

5 “d. Notwithstanding subsection a., no contractor,
6 subcontractor, or supplier of the Department of Energy
7 that is an organization described in section 501(c)(3) of
8 the Internal Revenue Code of 1986 that is exempt from
9 taxation under section 501(a) of the Code shall be subject
10 to a civil penalty under this section in any fiscal year in
11 excess of the amount of any performance fee paid by the
12 Secretary during that fiscal year to the contractor, sub-
13 contractor, or supplier under the contract under which a
14 violation occurs.”.

15 **SEC. 111. APPLICABILITY.**

16 (a) INDEMNIFICATION PROVISIONS.—The amend-
17 ments made by sections 105, 106, and 107 do not apply
18 to a nuclear incident that occurs before the date of enact-
19 ment of this Act.

20 (b) CIVIL PENALTY PROVISIONS.—The amendments
21 made by section 110(b) do not apply to a violation that
22 occurs under a contract entered into before the date of
23 enactment of this Act.

**AMENDMENT TO STAFF DRAFT
OFFERED BY MR. BURR OF NORTH CAROLINA**

Page 5, after line 6, insert the following new section,
and make the necessary change to the table of contents:

1 **SEC. 104. ELIMINATION OF DUPLICATIVE ANTITRUST RE-**
2 **VIEW.**

3 Section 105 of the Atomic Energy Act of 1954 (42
4 U.S.C. 2135) is amended by striking subsection c. and in-
5 serting the following:

6 "c. CONDITIONS.—

7 "(1) IN GENERAL.—A condition for a grant of
8 a license imposed by the Commission under this sec-
9 tion in effect on the date of enactment of the Energy
10 Advancement and Conservation Act of 2001 shall re-
11 main in effect until the condition is modified or re-
12 moved by the Commission.

13 "(2) MODIFICATION.—If a person that is li-
14 censed to construct or operate a utilization or pro-
15 duction facility applies for reconsideration under this
16 section of a condition imposed in the person's li-
17 cense, the Commission shall conduct a proceeding,
18 on an expedited basis, to determine whether the li-
19 cense condition—



- 1 “(A) is necessary to ensure compliance
- 2 with subsection a.; or
- 3 “(B) should be modified or removed.”.



**AMENDMENT TO STAFF DRAFT
OFFERED BY MR. SAWYER**

Page 5, after line 6, insert the following new section,
and make the necessary change to the table of contents:

1 **SEC. 104. TRANSPORTATION OF NUCLEAR WASTE.**

2 Section 180 of the Nuclear Waste Policy Act of 1982
3 (42 U.S.C. 10175) is amended by adding at the end the
4 following new subsection:

5 “(d) As soon as practicable after the date of the en-
6 actment of the Energy Advancement and Conservation Act
7 of 2001, the Secretary shall analyze each reactor facility
8 and develop a logistical plan to ensure the Secretary’s abil-
9 ity to transport spent nuclear fuel and high-level radio-
10 active waste, using routes that minimize, to the maximum
11 practicable extent and consistent with Federal require-
12 ments governing the transportation of hazardous mate-
13 rials, transportation of spent nuclear fuel and high-level
14 radioactive waste through populated areas.”.