

**SUMMARY OF LEGISLATION
BY SENATOR PATRICK LEAHY (D-VT.)**

Clean Energy Jobs and American Power Act, S.1733
U.S. Senate

Introduced by Senator John Kerry of Massachusetts and Senator Barbara Boxer of California on September 30 of this year, this legislation matches the House-passed American Clean Energy and Security Act in both scope and scale. One of the highest priorities in drafting this legislation was that it remain deficit neutral. As introduced, this bill would not require a single penny from the United States Treasury and would not impose any new taxes on American families. Another over-arching goal in drafting this bill was that it protect American consumers. With new tax rebates and incentives, this legislation will provide financial stability to consumers even as new regulations impose costs on carbon-producing businesses.

The four areas of focus in this legislation are energy sources, the economy, the environment, and our national security. The bill aims to promote a smooth transition to a clean energy economy, move America toward energy independence, reinstate our nation as an international leader in the development of green technology, and reduce the impact of climate change on public health and the environment. Throughout the month of October, 2009, the Committee on Environment and Public Works held hearings on this legislation. On November 5, this legislation was reported out of the Committee for consideration by the full Senate.

Division A: Authorizations for Pollution Reduction, Transition, and Adaptation

Title I: Greenhouse Gas Reduction Programs

This title would establish funds for clean transportation initiatives and requires the Environmental Protection Agency (EPA) to establish greenhouse gas emission standards for certain vehicles. It would also amend the Clean Air Act to allow State and local governments to set fuel efficiency standards for certain forms of public transportation such as taxis.

In addition, this title lends timely support to the carbon capture and sequestration movement, requiring greater regulation of research and development projects and setting up performance standards for coal-fired power plants. Under this title, the EPA would be authorized to provide incentives for advanced technology research into carbon capture methods that could be used at natural gas electricity generation facilities.

This title would also address the nuclear energy industry and encourages the safe and environmentally responsible growth of nuclear power as an energy source in the United States. The language of the bill would channel funding into innovative projects with the goal of developing new nuclear waste management strategies.

Water efficiency standards are also a matter of concern and are dealt with under this title. The bill would authorize the WaterSense program under the EPA. This program would operate in a similar fashion to the Energy Star program which is already in place for energy-efficient

products. Grants and other financial incentives are made available under this title to individuals and organizations choosing to purchase water-efficient products.

This legislation would also establish a Retrofit for Energy and Environmental Performance Program to encourage States to retrofit buildings to meet standards established by the EPA. The language of the bill explicitly states that no homeowner would be required to conduct an audit of their property or to retrofit their home. Under the same section of the bill, the EPA is directed to establish financial assistance programs for certain renewable energy projects and specifically to provide support to advanced biofuels projects.

Other miscellaneous provisions under this title would establish an Office of Consumer Advocacy under the Federal Energy Regulatory Commission, require the EPA to set up a state recycling program, and provide financial support to agriculture and forestry landowners engaged in projects that effectively reduce greenhouse gases.

Title II: Research

The major initiative under this title gives the EPA the authority to provide financial support in the form of grants to projects and research focused on developing energy technologies that will decrease our nation's dependence on foreign sources of energy and simultaneously reduce greenhouse gas emissions. In addition, this portion of the bill would fund research to measure the effects of climate change on drinking water utilities and to create adaptation programs as needed.

Title III: Transition and Adaptation

This title is devoted to easing the transition to a green economy and cleaner energy sources across the nation. It would provide for worker transition programs to aid individuals seeking careers in fields related to clean energy production or climate change mitigation. It also would establish a Climate Change Worker Adjustment Assistance Program to provide financial assistance to those individuals that maybe displaced from their jobs as a result of changes made to the Clean Air Act.

Additionally, this title would direct the President to establish a Strategic Interagency Board on International Climate Investment and would amend the Clean Air Act to include new provisions designed to encourage international cooperation with regard to climate change issues.

A separate section of this title deals with adaptation initiatives and requires that the President set up a National Climate Change Adaptation Program as well as a National Climate Service under the purview of the National Oceanic and Atmospheric Administration. These new government entities would serve to gather information about national climate change reduction efforts and the impact of climate change on regional and national weather patterns. This section of the bill would also address public health issues related to climate change and natural resource adaptation and conservation issues. The adaptation efforts further extend to create programs to provide increased flood control protection for States as well as wildfire protection and forest restoration resources.

Division B: Pollution Reduction and Investment

Title I: Reducing Global Warming Pollution

This title would amend the Clean Air Act to create a Global Warming Pollution Reduction and Investment Program. The Program would provide for global warming pollution reduction targets which would serve to reduce the amount of global warming pollution in the atmosphere over a period of approximately 40 years. This title establishes a list of greenhouse gases and outlines the Program rules and regulations related to emissions allowances, offsets, penalties for non-compliance, and audit procedures, among other important provisions. The program established by this title is similar in nature to, though not the same as, the cap and trade program outlined in the American Clean Energy and Security Act.

Title II: Program Allocations

This segment of the bill details how emissions allowances would be allotted and highlights various programs that would be empowered to distribute allowances. These programs include, but are not limited to, the Building Retrofit Program, the Advanced Research Projects Agency-Energy (ARPA-E), and the Climate Change Health Protection and Promotion Fund.